

THE CLERGY REVIEW

MAY, 1954

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THE CLERGY REVIEW

Editor:

THE RIGHT REV. MGR CANON G. D. SMITH, D.D., Ph.D.

THE Editor invites articles and other contributions likely to be of interest to the Clergy. In order that priests may pool their knowledge and experience, readers are asked not only to propose for solution questions concerning theology (moral, pastoral, or dogmatic), canon law, liturgy and other departments of sacred science, but also to contribute to the Correspondence pages their views on the answers given to such questions or on any other matter that falls within the scope of **THE CLERGY REVIEW**.

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The CLERGY REVIEW

NEW SERIES VOL. XXXIX NO. 5 MAY 1954

OUR PRECIOUS LADY ST MARY

IT is in the *Ancren Riwle* that we find the Virgin Mother called "Our Precious Lady". The Saxons usually called her "Our Lady St Mary", a blending of chivalrous devotion and respectful homage. Although every Catholic nation can claim our Lady as its Queen, none but the Church of the English can claim to be her dowry. We do not know how or when this title was first conferred. The Jesuit Lyraeus asserts that one of the Edwards gave his kingdom to our Lady as her dowry, and that this act was confirmed by Richard II. Another Jesuit writer, Alford alias Griffiths, says that England deserved this title because of the ancient Saxon and later Norman devotion to the Mother of God. In his time there was a very old painting at the Venerable English College which represented a king and queen of England on their knees offering the country to the Queen of Heaven. The inscription on the painting read: "*Dos tua Virgo pia haec est, quare rege, Maria.*" The king was Richard II; his queen the daughter of the Emperor Charles IV. As Richard abdicated at Michaelmas 1399 the painting is at least a reference to a tradition of the fourteenth century. But when the small band of returning scholars reached Rome after the Napoleonic Wars, the painting had disappeared.

There is other evidence from the same century that it was already customary to call England by this privileged title. In a document dated 10 February 1399 Thomas Arundel, Archbishop of Canterbury, says, ". . . we as her especial dower ought to excel all others in the fervour of our prayers and devotions to her. . . ."

How much this title meant to Englishmen, more especially in times of danger, we can gather from a metric life of Henry V written by the Benedictine Thomas of Elham. He is describing the battle of Agincourt, and he gives a graphic picture of the clergy present:

Sacerdotes a tergo vociferantur
 Cum gemitu, Nostru nunc miserere Deus!
 Nunc miserere Deus! Anglorum parce coronae,
 Regia iura fave; pro pietate tua
 Virgo Maria fave, PROPRIA PRO DOTE . . .

A *Te Deum Mariale* (they were extremely popular in the Middle Ages), written in thanksgiving for Henry's success, also makes mention of the Dowry:

Te ergo quae sumus Angli genis subveni quos pro DOTE
 PROPRIA defendisti . . .
 Salvum fac populum tuum, Domina, et a mortis peste
 DOTE TUAM libera.

Not even the terrible Reformation holocaust of almost everything connected with our Lady could destroy completely the memory and pride of that ancient title. A book of meditations published anonymously at the end of the seventeenth century, *Contemplations on the Life and Glory of Holy Mary the Mother of Jesus*, recalled that "England is by immemorial privilege the proper dowry of Holy Mary". Forty years later the object of the Sodality of our Blessed Lady under the charge of the Jesuit Fathers of St Omer's was to promote true devotion to the Queen of Heaven, in order, as they said, that "she may have, once again, a full and quiet possession of her ancient dowry".

Mention has been made of the prayers to our Lady at Agincourt. A banner of our Lady was one of the five colours carried into action there. The first of these was the emblem of the Most Holy Trinity. There were the badges of St Edward and St George, and also the Royal Arms. But it was our Lady's banner which by royal command was in attendance on the king. Here it is of interest to note that the ancient battle cry of the English kings was "Montjoye Notre Dame" to which the name of St George was added later.

As far as is known, the device of our Lady was not borne on any nobleman's arms. The abbess Juliana of St Albans, however, in her treatise on Heraldry maintains that King Arthur carried it on his shield. Whatever be thought of her historical accuracy, her account is at any rate a testimony to the veneration of the English for their Lady St Mary.

It was customary for knights to lay their swords on the Lady altar before investiture. This was done by Richard I before being invested Duke of Normandy by the Archbishop of Rouen. Edward III commanded that our Lady be honoured as Chief Lady of the Most Noble Order of the Garter. Another Edward, wishing to do special honour to God's Holy Mother, decreed that on her five solemnities (as already on the feast of their patron St George), the Knights Companions should attend divine service in the habit of their Order with the golden image of the Virgin on their right shoulder. Later he ordered that the same custom obtain on every Sunday in the year, and that on all these days "for ever" the Knights should say five Paters and Aves. The ancient formula of investiture in the Order was "to the laud and honour of Almighty God, his Immaculate Mother, and St George the holy martyr".

England was not the only country to honour our Lady in her foremost Order of Chivalry. In Scotland the Order of the Thistle was under the joint patronage of our Lady and St Andrew. On the continent some dozen or so Orders were dedicated to her. Nor was it the restricted upper classes of society alone who could claim her in this familiar and affectionate way. Many inns were under the sign of the Annunciation. Today, if they survive, they are likely enough disguised as the Angel or the Salutation. And in England as in Ephesus of old, the very gleemen sang of the triumphs of Mary. Alban Butler relates that he had in his possession an original MS. ordinance of John Talbot, Earl of Shrewsbury, who fell at Northampton in 1460, commanding that every musician who played within his territory should pay a small sum to a certain Lady chapel under penalty of forfeiting his musical instruments.

Naturally enough, schools as well as churches were dedicated to her honour. Eton was a royal foundation whose seal portrayed the Assumption. In the statutes of 1444 it was laid down that after Matins and Prime, all the choristers should recite the Lady Hours according to the Sarum Use. And in the evening the day's labours ended with an anthem of our Lady, the Ave Maria and collect. At Winchester the *Stella Coeli* or *Salve Regina* was sung at eventide. At the Reformation Edward VI's commissioners required "the scholars and children hence-

forth to omit to sing or say *Stella Coeli* or *Salve* or any suchlike untrue or superstitious anthem".

Vestiges of pious practices in honour of our Lady remained until recent times. The Eton boys had apparently made pilgrimages to nearby shrines of our Lady. When the famous *Montem* was abolished in 1847, an intensely Protestant Fellow of the Foundation objected that the procession had taken the place of a pre-Reformation procession in honour of our Lady, and that it ought to be retained as a standing protest against Popery. Eton and Winchester may no longer sing their *Salve*, but in our restored seminaries and colleges the day ends with Mary's praises in the *Maria Mater Gratiae* or the seasonal Lady anthem.

It would be impossible to list even the more important shrines and sanctuaries erected to our Lady's honour in Catholic England. Waterton, in his *Pietas Mariana Britannica*, gives nearly two hundred and fifty for England alone (excluding Wales and Scotland) which were of outstanding fame. The oldest was undoubtedly that at Glastonbury. Sober historical fact points to it as a sixth-century foundation. Pious legend, however, would have us believe that Joseph of Arimathea founded the church which our Lord Himself consecrated. The legend is mentioned in the charter attributed to Ine King of the West Saxons who refounded the monastery and church. It speaks of "that ancient church situated on the spot called Glasteia which the High Priest and Chief Pastor made known to the Blessed David by many and unheard-of miracles, which of old He had, with the service of angels, consecrated to Himself and the ever Virgin Mary".

Ine built the Silver Chapel so called from its gold and silver furnishings. It was at the Lady altar here that Edgar the Peaceable was invested. Later, in the time of Henry II, the church suffered severely from fire. At the rebuilding, Henry confirmed all the privileges granted by his predecessors. William of Malmesbury tells us "here is an image of the Blessed Virgin. When the great fire consumed all the altar cloths and ornaments, it neither touched the statue nor the veil which was on its head. Nevertheless, the fire caused several blisters to rise on its face, as if on a living person, which long remained there, a proof

to the beholders of the divine power". Among the treasures belonging to our Lady in this monastery was the Great Sapphire of Glastonbury, for a long time lost, then rediscovered by Abbot Swansey. Its fate was that of all other offerings of the kind. On 15 May 1539, it "was delivered unto the King's majesty".

Among the pupils sent to Glastonbury was the boy Dunstan who afterwards became successively bishop of Worcester and London, and in 960 archbishop of Canterbury. Dunstan was responsible for the refounding of the monastic settlement at Westminster in 958. Today Westminster is thought of mostly because of its connection with our Sovereigns, a connection largely due to Edward the Confessor who rebuilt the abbey church and who is buried there.

The abbey built by Edward was pulled down by Henry III who began a new church in the fifth year of his reign. The work was destined to take some fifty years to complete. Henry's consort erected a silver image of our Lady in St Edward's feretory which stood opposite the ivory statue presented by St Thomas of Canterbury. Henry ordered his Keeper of the Works to adorn the forehead of the Queen's image with an emerald and a ruby taken from a ring bequeathed to him by the bishop of Chichester. Henry also laid the foundation stone of our Lady's chapel called the New Work. He presented his golden coronation spurs to this chapel. It remained until Henry VII had it replaced by the chapel now bearing his name and to which Julius II on 20 May 1504 transferred the *Scala Coeli* indulgence previously granted by Alexander VI to the chapel at Windsor.

One of the shrines to our Lady at Westminster was that at the North Door. This was a favourite dedication in mediaeval times. From the north, it was supposed, came storms and pestilence, and so it became a symbol of sin and obduracy. A statue of our Lady very often occupied the niche over the doorway and she was invoked under the title of our Lady of Mercy. At the dissolution of the abbey the inventory mentioned "oon cote of clothe of golde for Our Ladye at ye North Dore".

In the seventies of the last century an attempt to revive this dedication resulted in a long and somewhat embittered correspondence in *The Times* between an architect and the then Dean of Bristol. The cathedral there was being restored and the

restoration committee had erected statues in the north porch of the four doctors Ambrose, Augustine, Gregory and Jerome. Over the archway in the niche they had placed a statue of our Lady. The Dean demanded Scriptural characters. Mr Street (the architect) wrote: "... I am informed that your agents have destroyed the figure of the Blessed Virgin than whom it is difficult to conceive a more Scriptural character." In a letter dated 15 April 1876, Dr Elliot replied: "... the Virgin Mary: I object, because I accept the spirit of the Act of Edward VI, commanding the removal of certain images as essentially wise. . . .

"I object, then, to any separate statue or effigy of the Virgin Mary being erected in any part of the Cathedral, because I believe its presence there would be illegal, and if not illegal, its presence there would in some sort or degree be supposed to countenance a feeling towards the Blessed Virgin, growing up in our Church, which for my part I cannot distinguish from Mariolatry, and if not from Mariolatry, then not from infidelity and ingratitude towards that God most merciful, Who hath given us His Son, the mediator and intercessor, on Whose name only those who call shall be saved."

How surprised would the dean's Saxon or Norman ancestors have been to have been written off as idolaters because of their devotion to our Lady! One of the earliest converts to the faith was King Ethelbald whom St Austin himself baptized. This king helped to found the Lady chapel at Canterbury where, at his own wish, he was buried. Another Saxon King, Edward the Martyr, instituted pilgrimages to our Lady of Abingdon. The church there was founded in 675 in honour of the Blessed Virgin by Cyssa. A Saxon noble, Lullan, had received the vil of Estun from Brithric, King of Wessex. Wishing to make God and our Lady his heirs, he laid the charter on the altar saying: "Al mine richte that ic haedde in Estun ic gife to Saeinte Mariae in Abbedun."

Many large churches or monastic communities were dedicated to our Lady from their very foundation. Such, for example, was the Abbey of Evesham. The story is told that Ecgwin, Bishop of Worcester, being calumniated, decided to journey to Rome for a hearing of his case. He caused his feet to be bound in chains and threw the key into the river Avon at Hethomme.

When in Rome one of his servants caught a fish from the Tiber and inside it found the key discarded in England. The Pope received him graciously and the bishop returned to England to be reinstated in his see. Ethelred, King of the Mercians, took him back into favour and all was well. Ecgwin decided to build a church in thanksgiving and settled on Hethomme as the site. Here our Lady had appeared to a herdsman named Eoves. Bishop Ecgwin fasted and prayed and himself went to the place where he also was favoured with a vision. Our Lady blessed him with a golden cross and then disappeared. Ecgwin made a second journey to Rome to obtain an Apostolic charter for his new foundation. A Witan under King Coenred assembled at Alcester. In the name of all present Archbishop Beorthuad drew up a description of the land and the Witan charged Ecgwin and Bishop Wuilfrid to carry the privilege to Hethomme now renamed Evesham.

The abbey church underwent many vicissitudes. The monks were expelled and replaced by Canons. Ecgwin's church fell in and remained undisturbed for more than half a century. Later it was restored by Earl Leofric and his wife Godgifu. A much finer church was built by Abbot Walter in the second half of the eleventh century. This possessed "three or four ymagys of our blesyd lady Sent Marye" having the Infant in her lap. On great feasts lamps burned before her shrines from first to second Vespers. There was a perpetual lamp burning before the statue in the crypt. Twenty-four candles and thirty-three lamps were lit for the daily Marymass. Very early in the thirteenth century the Prior, Thomas Marleberge, bought two shops in the High Street and gave them to the support of the Lady lights in the crypt. In the middle of the fourteenth century Abbot William Boys had two great bells cast named Mary and Ecgwin. They bore the inscriptions:

O Pater Ecgwyne, tibi consono nocte dieque!
Me fugiant digne tonitrua mala fulgura quaeque.
Ecgwyn.

Me sonante, pia succurre Virgo Maria!
Ecclesiae genti Discedant fulgura Venti!
Maria.

The story of another great abbey and its connection with the development of the doctrine of the Immaculate Conception has already been told in these pages.¹ It suffices here to note that there were at least six major shrines of our Lady at St Albans. One, because of its delicate workmanship, was known as *Sancta Maria Pulchra*. It was the work of Master Walter of Colchester, and stood in the south transept near the chapter house. Another was quaintly entitled *Our Lady Quatuor Cereorum*, since the four greater officials of the monastery had each to offer a candle here daily. Abbot William ordered that the daily Marymass be sung by six monks in rotation. In his time Bishop John of Ardfert consecrated the Lady altar and the abbot presented a handsome missal and bell for use there. Later, Thomas, the thirtieth abbot, presented a magnificent set of vestments for use at the same altar.

But of all the English shrines of our Lady none rivalled that at Walsingham. The story of the widow Richeldis and her vision is well known. The first chapel in honour of the Annunciation was built about 1061. Later a priory of Austin Canons was established and they were given charge of the shrine. From the beginning pilgrims thronged to what was known as "England's Nazareth". In *Piers Plowman* we read that

Hermytes on an heape with hoked staves
Wenten to Walsyngham.

Harrod in his *Gleanings among the Castles and Convents of Norfolk* says that "there can be no doubt as to its having been the great source of attraction which drew pilgrims from all parts, and made the priory one of the richest in the world. Almost from the foundation of the priory up to the dissolution there was one unceasing movement of pilgrims to and from Walsingham".

In May 1511 the ex-Augustinian Erasmus visited the shrine and left a description of what he saw. He said of the statue that it was an "imaguncula, nec magnitudine nec materia nec opere praecellens". But of the shrine itself, "... you would say that it

¹ XXI, 6, "The Defence of the Immaculate Conception", Mgr Davis; XXIX, 5, "Nicholas of St Albans among the Prophets", Fr A. J. Luddy, O.C.; XXX, 2, "Our Lady's Conception: A Mediaeval MS.", Mgr Davis.

is the abode of saints, so brilliantly does it shine with gems, gold and silver". Nor did the cynical Dutchman fail to remark that a canon stood near the altar to receive and take care of the offerings.

Henry III was the first of England's sovereigns to make pilgrimage to Walsingham. Edward I went twice. The story is told of him that he never used an oath himself, so on one occasion he had his procurators Hugh le Despenser and Walter de Beauchamp swear in his presence "en la chapelle de Notre Dame à Walsingham" that he and his heirs for ever would fulfil the treaty entered into between himself and the Count of Flanders.

Edward II was at Walsingham in 1315. Isabella of France made a pilgrimage whilst staying at Castle Rising. The municipal records of Lynn have an item of twenty shillings for bread when she came from Walsingham. She must have had a goodly company to consume so much! In 1361 Edward III made his pilgrimage, and in the same year made a gift to John of Brittany to enable him to do likewise. Three years later the Wardens of the Marches of Scotland were ordered to give a safe conduct for "David de Bruys, King of Scotland" and twenty knights to go on pilgrimage to our Lady of Walsingham. Henry IV's widow Johanna was a pilgrim in 1427 and she was received by the community of St Albans en route, the monks wearing white copes in her honour.

Less than twenty years after Johanna's visit we have a glimpse of Walsingham in the Paston Letters. Mrs Margaret Paston writes to John Paston on 28 September 1443: "I have behested to go on pilgrimage to Walsingham for you. By my troth I had never so heavy a season as I had it from the time that I wist of your sickness till I wist of your amending."

Before the century ended, Edward IV and his Queen were pilgrims. Henry VII made a pilgrimage when some of the nobles rose in favour of Lambert Simnel, and he sent his banner as a thank-offering after the successful battle of Stoke. The last royal pilgrims were Henry VIII and Queen Catherine. In the Privy Purse expenses for January 1511 we find offerings to our Lady of Walsingham among the items listed. When on a visit to Sir Robert Cotton, Henry walked to the shrine barefoot from

Barsham Hall. His Queen went in thanksgiving on her husband's behalf after the victory of Flodden Field. And in her will she asked "that some personage to go our Lady of Walsingham in pilgrimage, and in going by the way dole xx nobles".

In 1534 the Prior and Sub-Prior together with twenty Canons acknowledged the Royal Supremacy. In April 1537 the men of Norfolk rose in rebellion and demanded the restoration of the monasteries already suppressed. Amongst those executed were the Sub-Prior, one of the Canons and a cleric from Walsingham. In 1538 the foundation was dissolved, the Prior and fifteen Canons being pensioned. In the same year the statue was destroyed by burning at Chelsea. Earlier, Southwell had written to his "right honorable and syngular good lord his lord prevye ceale" Cromwell, that Sir Thomas Lestrange and Mr Hoges "have been at Walsyngham and ther sequestred all suche monney, plate, juelles, and stuff as ther was inventyd and founde". Wriothesley testifies that our Lady of Walsingham, our Lady of Ipswich and "divers other images" were burned by Cromwell's orders. Hall says they were burned in Cromwell's presence.

It must have seemed in 1538 that a thousand years' devotion to our Lady St Mary was ended. Not until the nineteenth century was her image again exposed for public veneration. Now once more we are able to go on pilgrimage, not only to Walsingham and other restored shrines, but to many sanctuaries unknown to our mediaeval ancestors. It is probable that there are as many Catholics in England today as there were in Tudor times. But our three million or so are lost among many more millions who have little, if any, affection for our Blessed Lady. What is to be done? Surely in this Marian year we ought to make our own the prayer of the priests of Agincourt:

pro pietate tua
Virgo Maria fave, Propria Pro Dote . . .

JOHN J. COYNE

OLD CUSTOMS ON OUR LADY'S FEASTS

MUCH information about the Catholic customs of mediæval England and Scotland on the four great feasts of our Lady is still available for the searching. Unfortunately it is usually contained in books by non-Catholic scholars who either regard the practices as superstitious or are—in spite of their impartiality—unable to grasp the significance of the facts at their disposal. The following notes have been garnered almost entirely from the *British Calendar Customs* for England and Scotland in the British Museum.

It will be best to proceed in chronological order.

THE PURIFICATION

This feast was regarded as the official end of the Yule-Tide celebrations and all remaining decorations were taken down and burnt. As to the candles, Aelfric (*died c. 1056*) tells us "It is appointed in the ecclesiastical observances that we on this day bear our lights to Church and let them there be blessed." This suggests that candles for domestic use as well for Church use were blessed on Candlemas Day. Certainly, in Scottish schools long after the Reformation, there survived a custom for the pupils to bring money to the Dominie on this day. There is a significant note. "Anciently it used to be a large candle," no doubt for use in the school. The offerings continued to be called Bleeze money or Candlemas Bleeze (blaze). After the religious idea had been abolished the thing became a secular ceremony, much enjoyed by all concerned. "As the roll was called, each pupil went up and laid money on the desk. They were then regaled with whiskey-toddy, weak and sweet, and in the evening the parents were invited to join in the dance." In all this we can see faint reminiscences of the whole Candlemas Day celebrations.

The offering in more exalted circles is described in the following note. In 1474 the Lord High Treasurer paid two crowns to James III and his Queen (Margaret of Denmark)

"to offer on Candlemas Day on the altar". There are frequent references in the royal accounts to offerings of from one to three French crowns (14s., 42s.). The payment is sometimes described as "the king's offering in his candle", i.e. inserted in or attached to the candle, and then placed on our Lady's altar. In the charter of Henry Bold, goldsmith, to the monastery of Scone we read: ". . . must render to the monks of Cuspar yearly 1/2 stone wax at the Purification of the Blessed Virgin Mary in name of alms."

At the Reformation Archbishop Grindal's injunctions to the laity include this: "Item that no person or persons whatsoever shall burn any candles in the church superstitiously upon the feast of the purification of the virgin Mary, commonly called Candlemas Day."

The Purification was also one of the days (with Corpus Christi) on which the Mystery Plays were performed. Including the procession, as many as 1000 persons might be actively employed.

Here is an order from Scotland, 1442:

Yir crafts undwritten sal fynd yerly in ye offerand of our Lady at Cadilmas yir personnes undwritten, yat is to say:

Ye Littistares (dyers) sal fynd
ye empriour and twa docteours, *and* alsmony honeste squaires as
ye may.

Ye Smiths and Hammem (Hammer-men, carpenters)
sal fynd
ye three Kings of Cullane, *and* etc.

Ye Talyoures (tailors) sal fynd
Our Lady, Sancte Bride, Sancte Helene, Joseph *and* etc.
Ye Skynares (Skinners) sal fynd
Symion, and his disciples, *and* etc.

Ye Cordonares (Cordwainers) sal fynd
Ye myssengear and Moses *and* etc.

Ye Fleschowares (Fleshers, butchers) sal fynd
Twa or four woodmen *and* etc.

Ye Brethir (Bretheren) of ye Gild sal fynd
The minstrales (minstrels) . . .

In 1533 "The Litsters were ordained to provide their banners

and pageants in the procession on the festivities of Candlemas and Corpus Christi in the same manner as other craftsmen." Obviously no shirking was allowed. Guildsmen were fined if they did not take part in the procession. The Guild itself was fined if the characters provided were not up to standard.

It does not take much imagination to see what a colourful interlude the Feast provided year by year. Children would grow up looking to it as a red letter for holyday and pageant: the elders, very many, would have some active and decorative part to play in the day's proceedings. But the Calvinism of the Reformation abolished all this art and splendour as "superstition" because it was inspired by our Lady!

In one place there is an annual "Ba-playing" on the Purification, like the street football match between rival villages that takes place every year at Hallaton in Leicestershire.

At Candlemas there used to be a procession of girls in white, singing :

"The Snowdrop, in purest white array,
First rears her head on Candlemas Day."

The blossoms were called "Candlemas Bells", "Fair Maids of February", "Purification Flower".

No work was done at the Inns of Court. No doubt they were busy with procession and play. It was a "Collar Day at St James", a "Gaudy" (joy-day) at Oxford and Cambridge.

At Reading the Purification was one of the four yearly fairs. At East Looe there was a fair by charter of Edward I. Evesham and Pontefract also had Purification fairs.

MARCH 25TH

We do not seem to have much information about special observances on the Annunciation. There were hiring fairs (for girls) in Devon; Christchurch (Worcs) and Bampton (Oxford) had ox-roasting.

There was a jingle :

When Our Lord falls into Our Lady's lap, [Easter on 25 March]
Then England beware of sad mishap.

AUGUST 15TH

But there is plenty to tell of Fèill Moire, or "Big St Mary's Feast in August".

Big St Mary's Feast in Harvest,
Sheaf binding and men with their coats off.

A large fire or Tawnle was kindled on some eminence and there was merry-making around it on the eve of Marrymass Fair in Irvine (Ayrshire). The fair was on the third Monday of August. "Marrymass" (cf. Christmas) was used of both the Assumption and the Nativity of our Lady.

Early in the morning of the feast the people went into the field and plucked ears of corn to make the Moilean Moire (the Fatling of Mary). These ears were laid upon a rock exposed to the sun to dry. When dry they were husked in the hand, winnowed in a fan, ground in a quern, kneaded on a sheep-skin and formed into a bannock. This was toasted before a fire of faggots of rowan or some other sacred wood. Then the husbandman broke the bannock and gave a piece to his wife and each of his children in order according to their ages, and the family raised the Iollach Mhoire Mhathar—the Paean of Mary-Mother. While singing they walked round the fire, the father leading and the rest in order, all in their best apparel and singing of their loudest. Then the man put the embers of the faggots into a pot, which he carried sunwise round the outside of the house, and sometimes round the steadings and his fields and his flocks gathered for the purpose.

The last line of the Paean are :

I went sunwise round my dwelling
In the name of Mary the Mother
Who promised to preserve me,
Who did preserve me,
And who will preserve me,
In peace, in flocks,
In righteousness of heart.

Some of the details here, the sacred rowan and the sunwise direction, and so on, suggest a pagan origin for the custom, a feast of the summer solstice, "baptized" by the Church as St Gregory recommended to St Augustine. Anyhow, no child could fail to know and appreciate the feast of the Assumption.

On this day fishermen prayed,

The day of Mary great of fame,
Ward off from us storms from the West.

In Kelso dancing was a feature of "Lady Day in August".

A charter of King Stephen, mentioned in the Hundred Rolls but now lost, granted the nuns at Cambridge a fair on the eve and feast of the Assumption of the Virgin Mary. This is the oldest of the Cambridge fairs. It was held in the "Churchyard Close" and came later to be known as "Garlick Fair".

SEPTEMBER 8TH

Last of the four great feasts of our Lady was her Nativity on 8 September. Some references are misleading as they refer to the unreformed Calendar and so there is a variance of twelve days or so. But usually some hint in the text links up with the feast.

This day was called Letter or Latter Mary Day. Mary Fair at Cullen, Banff, dates its origin back to this feast. It was called Marymass in Ayrshire and kept as a holyday at Dundee. At Irvine the games are called Marymass Races to this day. Few people who see pictures of the various Scottish Games in their illustrated papers in early September realize that in general they date back to the feast of the Nativity of our Lady.

Another feature of September, still with us, is the "beating of the bounds". It may well be that this custom has the same origin, deriving from the "perambulation" on the Nativity of our Lady which is often mentioned as preceding the games. And that procession may well have been to ask our Lady's blessing on the whole domain, as on the Assumption in Scotland.

The boundaries of the city of Lichfield, stretching sixteen miles, are perambulated annually on 8 September. A similar perambulation took place at Harbottle in Northumberland

with a fair and revel to follow. Then also family feuds were settled "by fighting": perhaps this is the origin of wrestling in the north country, especially in Cumberland.

At Market Drayton also the bounds were perambulated.

At Painswick the famous ninety-nine churchyard yews were clipped on this day. At Folkestone the annual election of the Mayor took place. At Norton, near Yeovil, there were family gatherings, and for entertainment, single-stick and cudgel competitions. At Ideford the old religious atmosphere was preserved for centuries. There was open house for three days, but none of the hurly-burly of the usual fair. It may well be that families and friends took the opportunity of these feasts of our Lady to visit their loved ones.

At Barnstaple there is a 1000 years' old fair on our Lady's Nativity, and at Worcester, where the cathedral is dedicated to our Lady, it was called the Great Fair.

Lastly, on this date the oyster season began.

Those who have been privileged to travel and see a Pardon in Brittany, the Procession of the Precious Blood in Belgium, a Fiesta in Malta or Spain, will realize with infinite regret what this country lost when our Lady was turned out of doors at the Reformation.

AMBROSE AGIUS, O.S.B.

LAW AND ORDER, OR ORDER AND LAW?

IT is our national habit to talk of "law and order". Father Doolan, O.P., in a recent book,¹ prefers to write about "order and law", and there is a sound philosophical reason for his reversal of the phrase. It is also our national habit to be as proud of our law as we are of our policemen, and to take it as natural that foreigners should find both equally wonderful. Father Doolan punctures our pride with some telling reflexions

¹ *Order and Law*, by Father Aegidius Doolan, O.P., S.T.M. With a Foreword by the Most Rev. C. Lucey, Bishop of Cork, and an Introduction by Richard O'Sullivan, Q.C. Pp. xviii + 199. (Dominican Publications, St Saviour's, Dublin, 1954. Price 12s. 6d.)

which, if they do not weaken our esteem for our policemen, should disturb our confidence in the soundness of our juridical tradition; for although he would probably agree that the legal institutions which we have inherited from our Catholic forefathers, can stand comparison with any other legal system in the world, he is at pains to stress the fact that, for more than three hundred years, our philosophers, jurists, practising lawyers and politicians have been drawing steadily away from the Christian and rational principles on which our legal institutions were based. The great building on which we all look with pride, has broken loose from its foundations and is resting insecurely on shifting ground.

To the men who elaborated our legal and political system, as also to St Thomas, Cicero, Aristotle and Sophocles, it was a truism that the distinction between good and evil is first found in the nature of things, that man has rights and duties from God and nature which are prior to man-made law, and that, if a human law is not a reasonable ordinance, it is devoid of binding force. To the seventeenth-century philosopher Hobbes, on the contrary, who has been called "the father of modern political philosophy", the will of the human legislator is the sole efficient cause of good and evil, so that "before his edict, right and wrong do not exist". Similarly to Bentham, whom Holland regarded as the father of modern juridical philosophy, "rights are the fruit of the law and of the law alone", i.e. of human positive law. In the schools of social, political and juridical science where these men are accepted authorities, even the very concept of moral obligation, which to us is inseparable from the notion of law, has been displaced: obligation simply means liability to social constraint.

If this voluntarist conception of law and these positivist notions of right and obligation sound too fatuous to be acceptable to any but disengaged intellectuals living in a cloud-cuckoo land of their own conceiving, it is well to remember that they are, or were until recently, the accepted tradition of our universities and law schools. They were solemnly expounded by such admitted authorities as Austin, Holland, Green and MacKenzie. They were responsible for that extraordinary statement made by Sir Hartley Shawcross, when he was Attorney-General:

"Parliament could ordain that all blue-eyed babies should be destroyed at birth."

It is indeed questionable whether any of these legal or political luminaries would apply their esoteric notions consistently in practical problems affecting their own personal rights and duties, and it is certain that their disciples did not apply them in the Nuremberg trial of Nazi criminals, where the prosecution inevitably had to invoke a higher law than that of Nazi Germany, namely, the law of rational human nature. But, as long as they cling to their juridical and ethical theories, it is difficult to see how they can logically condemn political totalitarianism, the tyrannical restriction of civil liberties, or the hateful doctrine that might is right. Indeed, their theories are largely responsible for the modern plague of these social evils. The voluntarist conception of law has always been the pet theory of the tyrant.

Partly owing to the juridical dilemma posed by the Nuremberg trial, there has recently been some evidence of a return to the scholastic concept of a natural law, prior to, and independent of any positive human law; or, perhaps, it would be more correct to say that some of our professors of international law have begun to retrace their steps as far back as Grotius. This regression is a form of progress, because, even if Grotius tended wrongly to regard Nature as an absolute, at least he gave it due priority over purely positive law. But there is still a long way to go before the Benthamite doctrine, which Holland called the "common thought of the time", and "too clear for argument", can be eradicated from the minds of our jurists and politicians, who, if they learned their science in our universities and law schools, are inclined to reject any metaphysical consideration of the nature of things as mediaeval superstition.

Meanwhile, it is to be hoped that thoughtful books, such as Father Doolan's essay, will gradually break down the prevailing prejudice against abstract reasoning. He begins with the principle that order is prior to law, in other words, that it is the function of human positive law to express, develop and maintain in social life, the antecedent order which is intrinsic to the nature of things as made by God, or which has been positively constituted by the revealed law of God; for, as Mr Richard

O'Sullivan remarks in his introduction to the book, quoting Aristotle and St Thomas, "the human legislator does not create the citizen, but has to take him as he is given by nature, and ought to use him so".¹ Law, in this sense, is not a chilling thing, an arbitrary restraint laid upon the vital human spirit of liberty, but an expression of the divine truth that makes us free. It is not an absolute, or an end in itself, but rather a means to the end, which is the true and perfect life. All its value and all its binding force derive from, and depend upon this fact, that it conduces to the full expression and fulfilment of the divine order.

In the traditional Dominican manner Father Doolan proceeds to demonstrate and illustrate this basic principle in a leisurely and clear analysis of the teaching of his master, St Thomas Aquinas, on the nature of law. He shows that, just as reason is the directive principle of all specifically human action, so also must law be a rational ordinance directing human activity to the common good. The ultimate basis of human law, as of all things, is the eternal law of God's being, expressed in the natural law and communicated to man by the light of reason. From this it follows that all our natural inclinations are basically good. Reason requires that they be co-ordinated, and divine revelation warns us of a disorder, due to original sin, which must be curbed, but not even ascetical theology requires us to crush them. It is here, indeed, that we see the acumen of St Thomas and the shallowness of Hobbes. St Thomas saw through the disorder in man to the basic order: Hobbes, seeing only the disorder, concluded that man's inclinations were intrinsically chaotic, and that the State (Leviathan) was needed to reduce this chaos to order by positive law. Experience has shown that the practical conception of this conception of the function of civil law is a deeper disorder.

After a brief survey of the law of Christ, and the law of sin in our members, Father Doolan concludes this section of his book with some wise remarks on the limits of law, the need of prudence in the legislator, and the obligation imposed on the

¹ Mr O'Sullivan has long been a protagonist in this same cause, as may be seen from his articles in *THE CLERGY REVIEW*, October 1933, p. 268; April 1948, p. 217; May 1948, p. 289; August 1951, p. 84. Cf. also two collections of essays which he has edited: *The King's Good Servant*, and *Under God and the Law*, both published by Blackwell, Oxford.

conscience of the subject. On this latter point, we feel that he does less than justice to the theory that modern civil laws impose a purely penal obligation. Those Catholic theologians who admit the tenability of this view, do not, as he seems to imply, dispense with conscientious obligation. They agree that every valid civil law imposes some obligation in conscience, even when the thing ordered is not already obligatory by divine law; but the question still remains: to what does the modern civil legislator mean to bind in conscience—to the thing ordered, or to the payment of the penalty? There is a substantial difference, after all, between this theory, and the positivist notion of obligation as mere liability to compulsion.

It is from the duties which the divine order imposes on human nature that man derives all his natural rights, so much so that, as Gandhi pointed out, the United Nations would have been better advised to begin with a declaration, not of the rights, but of the duties of man. Father Doolan, having himself observed this thomistic order of priority, devotes the second section of his book to the consideration of the object and origin of man's rights. This question, as he observes, had to be tackled by the commission which prepared the *Universal Declaration of Human Rights*, formulated by the General Assembly of the United Nations. The dilemma of the positivists, torn between loyalty to their peculiar conception of rights and the commonsense demands of the ordinary man, is aptly illustrated by the remark of one of the members of the commission: "We agree about the rights, but on condition that no one asks us why." The Thomist answers the question, and his answer agrees with the commonsense of mankind: man has these rights because, without them, he cannot be what God meant him to be, and what his nature indicates that he ought to be.

Respect for rights is the object of the virtue of justice; so Father Doolan proceeds to analyse the thomistic doctrine of the nature and purpose of this virtue in its three forms, commutative, legal or social, and distributive. To those of us who have been trained in the scholastic tradition, this is familiar ground, though here it is explored with an engaging freshness; and it seems self-evident to us that it should be explored philosophically. But, here again, it is well to remember that, however

sincere our lawyers and politicians may be in their desire to do justice, few of them have had any opportunity to analyse the nature of the virtue which they are pledged to apply. It is dangerous to generalize on a point of this kind; but, if an authoritative criticism of the teaching of social sciences in our universities, made at the meeting of the British Association, in 1937, is still valid, "the relation between actual law and the theory of justice is not critically examined", so that "the student not unnaturally concludes that all talk of justice is mere rationalization—a concession to the strange desire that man seems to have to justify or explain himself to himself and to others". Indeed, the eminent Professor Holland, in his *Elements of Jurisprudence*, considers that it is not even the business of the jurist to enter "into the battles which are perpetually waging as to the essential qualities of virtue in itself". The confusion of thought which is at the root of so many of our modern ills, is surely a direct result of an educational policy which makes a virtue of intellectual myopia. Meanwhile, we can be grateful that the hard lesson of experience in domestic and international affairs is gradually opening the eyes of jurists trained in the positivist tradition.

The remainder of Father Doolan's excellent work is devoted to a detailed consideration of two of man's natural rights, the right to life, and the right to private property, and, in particular, to an elucidation of the truth that the right of private ownership, as conceived by St Thomas, is as far removed from the capitalistic idea of uninhibited freedom in the use of one's private possessions, as it is from the socialistic conception of ownership as a mere trusteeship conceded by the State. For a clearer understanding of this particular distinction we must refer the reader to Father Doolan's excellent book. It is sufficient for our present purpose to emphasize that, here too, in respect of these two fundamental human rights, the right to life and to the private ownership of productive property, much folly and injustice could have been avoided in recent times, here and abroad, if our statesmen and jurists had never abandoned the rational philosophy of order and law, which was familiar to the Greek philosophers, and of which St Thomas was so excellent an exponent.

L. L. McREAVY

THE MORALITY OF PREFRONTAL LEUCOTOMY

THE late Canon Mahoney's note on "The Papal Teaching on Leucotomy"¹ says that the Holy Father's words "taken out of their context are capable of being read in a sense unfavourable to the lawfulness of the operation", i.e. of prefrontal leucotomy. But even so taken out of their context, the words could only be, and no doubt are, a condemnation of such forms of the operation as "entraînent en même temps une abolition permanente ou une diminution considérable et durable de la liberté. . . ." In the earlier case histories the neuropsychiatrists did indeed refer to "unpleasant personality changes"² but even then certain principles had been established by the surgeons which enabled them, albeit with difficulty, to select cases suitable for this neurosurgery (which the Americans call psychosurgery) in which these unpleasant personality changes could be reasonably thought to be eliminated. Our principal difficulty in applying the principles of morality, repeated and emphasized by the Holy Father in the document quoted in the March issue of *THE CLERGY REVIEW* and also in that published in the February issue (pp. 111-13), has from the first been that the surgeons have for a long time been speaking of the results of the operation (in the aspect which concerns us) only in general terms and even then doing so in a language which is not that of Catholic philosophy or morality. Indeed the language of an exact philosophy is not theirs to command, and we have to search diligently in their reports for anything that we can "get our teeth into". Nevertheless it does seem clear that leucotomy performed without due care in the choice of patient could result in reducing "l'homme au niveau d'un être purement sensitif aux réflexes acquis, ou d'un automate vivant". The operation in such a case would be condemned by all moralists

¹ *THE CLERGY REVIEW*, 1954, XXXIX, pp. 169-71.

² *Surgery, Gynecology and Obstetrics*, the Official Journal of the American College of Surgeons, vol. 92, No. 5 (May 1951), p. 601. A number of specialists contributed to a symposium "A Psychiatric Evaluation of Psychosurgery" which runs to seventeen pages and discusses allied procedures which are less radical than leucotomy.

and it is reassuring to find the Holy Father enunciating the principle so clearly.

In the unsatisfactory state of medical reports in this field, it is a pleasant surprise to find a neurosurgeon of high standing giving us at last something like an adequate post-clinical picture of leucotomized patients. Dr William Sargent in a paper given at a meeting of the Royal Medico-Psychological Association on 12 February 1953, and published in the *British Medical Journal* of 10 October 1953, sets forth "Ten Years' Clinical Experience of Modified Leucotomy Operations" in considerable detail. His study gives more information than I have previously seen anywhere on precisely those aspects of the patient that the moralist most desires to know about. It is scarcely possible here to give an adequate summary of this paper or even of the aspects which interest us as theologians. One or two points, however, may be noted. Before going on to describe and discuss the modified procedures and their follow-up, he says:

However, at the end of the war it still seemed generally accepted in America that extensive cuts and post-operative confusion were necessary in order to obtain satisfactory results, and workers, such as Rylander (1948) in Sweden and others in this country (Strom-Olsen and Tow, 1949), were still subjecting cases of neuroses to full and often posterior "standard" operations. Such operations were taking a quite needless toll of a neurotic patient's remaining personality assets. Unfortunately, it is the published and understandably gruesome findings of some of these workers that still provide the major ammunition for the hostile criticisms of this operation in the medical and lay press alike (p. 801).

As to the modified operation (the various types of which it would be theologically irrelevant to list here), he refers to a case:

One of these patients operated on then [1943], at the age of 68, is still enjoying a hale, hearty, and happy old age at 78, without any recurrence of his chronic tension state and attacks of severe recurrent depression. He remains a regular attendant and a sidesman at his church, an equally regular attendant at his bowling club, and recently won two first prizes at three consecutive whist drives (p. 801, footnote).

In a section entitled "Social and Religious Considerations" Dr Sargent has some interesting generalizations based on his ten years' observations:

On these matters, too, one can be most definite after ten years. If anterior and limited cuts are used conventional religious and ethical values are rarely irrevocably lost. Fanaticism on any topic may no longer be as easy to maintain, but more balanced points of view on religious and social issues are again made possible to the patient. Several of my patients have certainly had their religious faith heightened with the healing of their minds and a better ability to think of things beyond their own immediate and intense personal suffering. . . . A compulsive thief, of otherwise obsessional temperament, now works contentedly surrounded by lady clerks' handbags in an office—an impossibly provocative social situation for him before the operation. . . . One should, however, be very cautious in the presence of sex perversion or fetishism. Such patients provide striking contrasts to some seen in whom posterior cuts have resulted in loss of all feeling for others and a selfish egotism which may destroy the happiness of a whole family or group. The previous personality must be taken into consideration in final judgements on such issues, as socially undesirable traits not recognized before operation can be enhanced in certain instances even by limited cuts (pp. 802-3).

There are other points in Dr Sargent's paper which the theologian may usefully note. It is not possible to summarize them here: the paper itself is highly compressed. His concluding paragraph has a couple of sentences which, in reverse, hold a lesson for us priests:

"Psychiatry," he says, "often creates insoluble difficulties for itself when we leave the patient's bedside and become too involved in speculative philosophical issues. If we are only content to remain doctors, constantly searching for new and better practical ways of trying to help our individual patients, the future of leucotomy is assured—at least until better ways are discovered for the practical relief of so much persistent individual human misery and social incapacity" (p. 803).

As the doctor must remain a doctor, so the priest must remain a priest. The doctor cannot be an expert in theology: it is not

merely the difficulty of mastering some principles and their practical application (that would not be insurmountable) but rather that the habit of his mind runs in other channels and his outlook is empirical. And so the priest cannot take on the medical mentality and outlook, no matter how much he may "cram" medical theories and techniques. Yet, as the doctor must (or should) know such moral principles as apply to his practice, so, to form moral judgements on medical procedures, the priest should know the findings and broad lines of medical questions in which a moral judgement is called for. But the priest has to stop there. Not only is his training, which deals with principles and speculative truth, unfitted for problems which require an empirical approach, but his priestly charge is in the realm of morality and the supernatural dispensation of grace. There is no denying that the priest and the doctor are often confronted with different aspects of the same problem but they are *different* aspects. It is scarcely necessary to point out that this underlines the importance of co-operation between priest and doctor and that the obvious connecting link should be the Catholic Medical Guild. But even when doctors do not belong to this Guild, close co-operation is very desirable. Priests will find competent non-Catholic doctors very appreciative of Catholic thought in medical matters though it cannot be denied that many of the rank and file non-Catholic doctors will be loudly contemptuous of Catholic teaching. In contact, especially with non-Catholic doctors it is of the first importance that the priest should be thoroughly well instructed in Catholic teaching on these matters.

I have already referred to the Papal address on surgical operations¹ which lays down the general principles by which the permissibility of an operation is to be judged. Though the Holy Father is not here speaking of leucotomy, what he says applies to all operations and there is no reason for excluding the operation affecting the frontal lobes. He enunciates, and approves, the principle long laid down by moralists that the part can be, and sometimes indeed must be, sacrificed to save the whole. But I think the most important pronouncement in his discourse is when he says: "Le point décisif ici n'est pas que l'organe

¹ THE CLERGY REVIEW, February 1954, pp. 111-13.

amputé ou rendu incapable de fonctionner soit malade lui-même; mais que son maintien ou son fonctionnement entraîne directement ou indirectement pour tout le corps une menace sérieuse." I will not quote further as readers have the complete text to consult. I am principally moved to insist on the importance of this document because I have seen it suggested (I cannot give chapter and verse) that the moral difficulty about operations is the destruction of healthy tissue and consequently that only where diseased tissue is removed can we really feel easy about the moral nature of an operation. The Holy Father's words show that the destruction of healthy tissue is an irrelevant consideration. This Papal address should be read carefully as the Pope goes on to explain the genuine application of the principle which he has enunciated and gives warning against certain misapplications in gynaecological matters.

ALPHONSUS BONNAR, O.F.M.

NOTES ON RECENT WORK

HOLY SCRIPTURE

FOR all who are interested in the topography, archaeology and history of the Holy City of Sion it is excellent news that, at long last and at an interval of more than forty years since the issue of the first fascicle in 1912, the mighty work of the Dominicans of S. Étienne, originally entitled simply *Jérusalem*, is within measurable distance of being finished. Père F. M. Abel, O.P., who was largely responsible for the historical side of the undertaking is, alas, dead, but his collaborator, Père Hugues Vincent, is still full of enterprise and vigour in his eighty-first year, and, with the help of a younger colleague, Père A. M. Steve, the first part of the final volume has now appeared in print. The title, now somewhat amplified, is *Jérusalem de l'Ancien Testament*, the subtitle is *Recherches d'archéologie et d'histoire*, and this first

part is described as a study of the *Archéologie de la Ville*.¹ The slight change in the title and the omission of the word "Topographie" from the former subtitle, calls for a little explanation. The work, as originally planned in the years before the First World War, was to consist of eight fascicles, divided equally between the Old Testament period and the New. By 1914, when the entry of Turkey into the war put a temporary end to the life of the S. Étienne community, one fascicle of the Old Testament section had appeared under the heading *Topographie* (a title which included a discussion of various questions of geology, climate, and hydrography), and two fascicles of the New Testament section (those dealing with the Roman colony of Aelia Capitolina, the Holy Sepulchre, and the sanctuaries located on or at the foot of the Mount of Olives). The New Testament section was completed after the First World War, but, until the present time, the Old Testament section remained as it was in 1912. The reason for this is outlined by Père Vincent in his preface to this new volume, namely, that the period between the two wars was perhaps the greatest epoch in the history of Palestinian excavation, new discoveries were continually being made, and any volume published between 1918 and 1939 would speedily have become out of date or, at the very least, in need of many changes and qualifications. Then came the further interruption of the Second War, and, later, the disturbances of 1948 gave a certain breathing space to archaeologists for the assessment of results.

This new volume makes no direct return to topography, already adequately handled in the first fascicle of 1912. Its subject throughout is archaeology, the archaeology of the city properly so called, and a second and final part is to contain the long-awaited study of the temple and temple-area.² There are, in all, thirteen chapters in this part. The first chapter provides

¹ Gabalda, Paris, 1954. Pp. xi + 371 (with a separate album of 100 maps, plans and plates). Price, for subscribers to the complete work, £8 10s. 2d.; for non-subscribers, £9 9s.

² The latter has been in some small part anticipated by a section contributed by Père Vincent to the second (1948) edition of *Initiation Biblique*, ch. xiv (*L'archéologie biblique*), II. Le Temple de Jérusalem, pp. 540-55. The subject of the present first part has been discussed in an abbreviated form in Vincent's article "Jérusalem" in the 4th (1949) volume of the *Supplément au Dict. de la Bible*, columns 897-966. In this, by the way, there is no detailed treatment of the temple.

a general account of the site with special reference to the descriptions found in Josephus. The second deals with the expansion of the city and the existing walls. Chapters iii-v discuss, in turn, the three ancient walls, and chapter vi, mordantly entitled "Autour d'un rempart mouvant", says all that is appropriate about recent desperate attempts to find substitutes for the ordinarily accepted line of the third wall (that of Herod Agrippa I). Chapters vii and viii deal respectively with the two fortresses of the Acra and of the Antonia. Apropos of the second, it is to be noted that Vincent still identifies the court of the Antonia with Pilate's *praetorium*, a position that has been most effectively traversed by Père P. Benoit in his article "Prétoire, Lithostrôton et Gabbatha" in the *Revue Biblique* for October 1952, pp. 531-50. Vincent has, however, returned to the charge in the latest number of the *Revue* in an article headed: "L'antonia, palais primitif d'Hérode" (R.B., January 1954, pp. 87-107). Chapter ix, on Palaces, includes pages on Herod's palace, the Hasmonean palace, and the three palaces associated with the royal family of Adiabene. Chapter x is concerned with the walls of Jerusalem as described in the book of Nehemias, and takes up again a subject first discussed by Vincent in *Revue Biblique*, 1904, pp. 56-74. Chapters xi and xii, on the water system of ancient Jerusalem, overlap in some slight degree chapter iv (ii) of *Jérusalem antique* (1912, pp. 146 ff.) on the Ophel vertical tunnel and its identification with the *sinnor* of II Kings v, 8.¹ Lastly, chapter xiii, on the cemeteries, has sections on the royal tombs, on the necropolis in the royal period, on the monuments in the Kedron valley, and on the remarkable tomb of Helen of Adiabene, which de Saulcy named in error "The Tomb of the Kings". Nobody will pretend that this volume is altogether easy reading, but it is a thorough and masterly study, and we may await with intense interest the publication of the volume on the Haram, the temple area.

The work of the Vulgate Commission on the text of St Jerome's Old Testament continues steadily, and the tenth volume,

¹ This has been widely, though not universally, accepted. T. H. Robinson in *History of Israel*, I, p. 215, writes: "But we are practically certain that it means a tube or channel, and we cannot easily surrender the identification with Warren's shaft." See also the latest *Lexicon in Veteris Testamenti Libros* by L. Koehler, s.v., p. 808, and Simons, *Jerusalem*, 1952, pp. 168 ff.

containing the Psalter, is the latest to appear. It is entitled *Liber Psalmorum ex recensione Sancti Hieronymi*.¹ It must be said with great regret that it is one of the least stimulating volumes in the whole series that has so far been published. As always, it has been prepared with great care by specialists well accustomed to the work, and it gives a wonderful conspectus of the intricate manuscript tradition, but (and this is especially important for those of us who use the Gallican Psalter in its Sixto-Clementine edition), it contains extremely few significant variants, and perhaps none that is truly interesting or provocative. The proof is a simple one and does not call for any expert treatment. It is necessary only to collate a hundred or so pages of this volume with the Breviary text of the Psalter, and it will appear that, in all but a very few instances, the texts are all but identical. In some of the earlier volumes one has detected many interesting variants, all duly marked with the "double dagger" sign wherever, in the trained judgement of the editors, the archetype is corrupt and has demanded correction from later manuscripts. Here, however, there are certainly not more than half a dozen of these signs, and none of them can be said to be genuinely exciting. In Psalms xxxiv, 26 (*Judica, Domine, nocentes me*, at p. 103), "magna" is accepted with the Hebrew, Septuagint and Sixto-Clementine against "maligna" in many other codices; and in Psalms xxxvi, 14 (*Noli aemulari* at p. 106), "deicant" is restored with the Septuagint and the *Psalterium Romanum* against "decipiant" of the archetype, here obviously in error. Among other variants noted are (Ps. xvii, 18, at p. 70) "confirmati" for the Sixto-Clementine "confortati", and (Ps. xxvii, 3, at p. 88) "perdideris" for the Sixto-Clementine "perdas". There are, of course, a considerable number of minute variants in spelling, of a sort that even survived the invention of printing by a century or two, and in minor words such as conjunctions, but, on the whole, the main value of this splendidly produced edition is that it gives to all whom it may concern the evidence for the text of a Psalter that, until recently, was almost everywhere used in all communities of the Latin rite.

Another recent work on the Psalter is the handsome edition

¹ *Biblia Sacra juxta Latinam Vulgatam Versionem*. Vol. X. Vatican Press, Rome, 1953. Pp. xvi + 298. Price not stated.

by Dom R. Weber of *Le Psautier Romain et les autres anciens Psautiers Latins* as the tenth number of *Collectanea Biblica*.¹ Dom Weber has already edited for this series the Old Latin text of *ii Paralipomenon*, and here he gives us the first critical edition of the so-called Roman Psalter, which is still in use for the recitation of the Office in St Peter's, Rome. Until recent times it was commonly alleged that this Psalter represented St Jerome's first revision of the Old Latin, but, as a result of the labours of the late Dom Donatien de Bruyne, this allegation is now contested, though, as Dom Weber remarks, the fact that St Jerome certainly knew and used this Psalter, renders de Bruyne's arguments somewhat less forceful. All the same, there remains the difference between using somebody else's text and making a revision of one's own. Here, in this excellently printed and clearly arranged edition, we have much more than the text of the *Psalterium Romanum*, since the editor has very usefully provided, in a right-hand column accompanying the main text, the variants of the other Old Latin psalters, notably the Milanese and the Mozarabic. The final pages (359-410) offer, as did the late Mgr Allgeier's excellent *Altlateinischen Psalterien*, an *index verborum* that is intended to serve as a sort of concordance to assist the comparison of the various texts. It may be hoped that a similar service will be carried out, in the near future, for the new translation made by the Fathers of the Istituto Biblico. Meanwhile, the fifth volume of *La Sainte Bible (Les Psaumes)* by E. Pannier and H. Renard) provides the texts of both the Gallican Psalter and the Psalter of 1945, together with a French translation of the latter.

Apropos of the Psalter and its new rendering one may call attention to a small book entitled *Il Liber Psalmorum e il Psalterium Gallicanum* by G. Scarpat.² The coming of the new version has stimulated many students to assess, on the basis of their own observation, the comparative value of that work when tested, line by line, with its predecessor by some sixteen hundred years, the venerable Gallican Psalter. In this booklet a careful comparison is made wholly from the point of view of language, with

¹ Abbaye Saint-Jerome, Via di Torre Rossa, Rome, 1953. Pp. xxiii + 410. Price not stated.

² Editrice Libreria "Paideia", Arona, 1950, Pp. 46. Price 4s.

some help from Zorell's *Psalterium ex hebraico latinum*, first issued in 1928 and republished in 1939. It is not a work of deep scholarship, but it may be very useful as an introduction. By way of appendix the first sixteen verses of Psalms xxxiv (Heb. xxv) are printed according to the new version and the *Gallianum*. The comparison would have proved easier, if the two versions had been printed side by side.

Two recent numbers in the excellent Italian series of commentaries published under the editorship of Mgr S. Garofalo may here be mentioned. The first is *Giosué* by Dr D. Baldi and, though one of the smaller volumes in the series of *La Sacra Bibbia*, is certainly not the least valuable.¹ In the first place, it makes full use, as should any modern commentary on Josue, of Père Abel's second volume of *La Géographie de la Palestine*, in order to establish more securely than was possible in earlier years the situation and characteristics of the very numerous place-names to be found in that book. True, Baldi's book is not the first work of a semi-popular character to show dependence upon Abel. The French commentary on Josue by Gelin in the third volume of *La Sainte Bible* (edited by Pirot and Clamer, 1949) is at least equally indebted to Abel, and is, in general, similar in scope to Baldi, though it lacks the full geographical index that is so commendable a feature of the Italian work. This index gives, in three parallel columns, first the biblical name, then the references to the text, and, finally, the modern Arab name when this can be identified. The first column contains approximately 440 place-names and will be quite invaluable to any student of Josue. The index has this further advantage over the one provided in the French volume, that it is an index to Josue alone, whereas the volume in *La Sainte Bible* has an index shared between Josue and several other books (Judges, Ruth, and the four books of Kings). The introductory pages, which discuss the literary and critical problems concerning the book, and its historical and religious value, do not greatly differ in their content and findings from those in Gelin's commentary.

The commentary by Dr G. Priero on *Tobia* in the same

¹ Marietti, Turin, 1952. Pp. xiii + 177 (with 7 maps and 5 pages of photographs). Price 950 lire.

series is an excellent example of the work at its best.¹ As might be expected in any commentary on this fascinating book, the element of textual reconstruction is prominent, and the decision was taken to follow the readings of the text represented by Codex Vaticanus (B) and Codex Alexandrinus (A), which is largely homogeneous. This is a somewhat surprising decision, since the position was stated accurately more than forty years ago by Professor D. C. Simpson in his edition of Tobit for Charles's *Apocrypha and Pseudepigrapha of the Old Testament* (Vol. I, *Apocrypha*, p. 175) in the words: "(The Sinaitic recension) is the nearest approach which can be made to the original text, whether the latter first appeared in Greek or in a Semitic language" (Author's italics). It need only be added that Padre A. Vaccari, S.J., in his edition of the book in *La Sacra Bibbia* (the version sponsored by the Istituto Biblico, III, *Libri storici*, 2, pp. 231-67), a version rightly described by Priero as "condotto con mano maestro", follows the Sinaitic recension. The readings of this recension are, however, faithfully preserved by Priero in his critical apparatus, which, though on a generous scale, falls far short of the very full discussion provided by Simpson in Charles's first volume. For the Vulgate text, the editor has wisely decided to show the relations between this and the Old Latin by marking readings proper to the Vulgate in italics. The introduction contains useful chapters on the original language of Tobias and the principal versions, as well as a treatment of the book's historicity, which, after weighing the various opinions, concludes that the book is historical in its main lines. A short section on the liturgical use of the book points to the extensive citation of Tobias in the liturgical books of the Western Church. No information is given about the Eastern liturgies.

The valuable and competent *Supplément* to the *Dictionnaire de la Bible* has now reached its twenty-sixth fascicle (Loi Israélite-Mandéisme).² Its progress since its first appearance in 1928 has been, on the whole, regrettably slow. In this fascicle H. Cazelles concludes his useful summary on Israelite law; part of this is concerned with the Law as found in the New Testament. A. Lefèvre contributes a short introduction to First and

¹ Marietti, Turin, 1953. Pp. 147. Price 9s.

² Letouzey & Ané, Paris, 1953. Columns 513-766. Price not stated.

Second Machabees. Père R. de Vaux, O.P., writes on Macpelah (with special reference to the later history of the Haram and its enclosure at Hebron) and on Mambre. R. Pautrel devotes some seven columns to the problems of the book of Malachias. There is also a long article, divided between three authors, with the general heading of "Magie", in which Sumero-Accadian magic is discussed by J. Largement, Egyptian magic by A. Massart, and magic in the Bible by A. Lefèvre. Father R. T. O'Callaghan's immensely learned article (columns 627-704) on the Madaba mosaic, is a fresh proof, if any were needed, of the great loss to scriptural knowledge occasioned by this young Jesuit Father's untimely death in a road accident between Baghdad and Hilla. For many people the most stimulating contribution will be that by Père J. Bonsirven, S.J., on the character and work of Alfred Loisy, who died in June 1940 at the age of eighty-three and is already largely forgotten. Père Bonsirven writes with great understanding and extreme objectivity. He shows none of the irritation manifested by some of Loisy's contemporaries in regard to that strange and contradictory nature. He has not, however, consulted M. J. Guitton's "Souvenirs sur les relations de M. Loisy et de M. Bergson" in *Memorial J. Chaine*.¹ This recalls a visit paid by Guitton to Loisy on 30 December 1934, and a conversation revealing much of interest. Loisy maintained to Guitton that he had never been a pantheist (any misunderstanding on this point being occasioned by his faulty knowledge of philosophical terms), and added: "Comment ne croirait-on pas en Dieu, lorsqu'on voit ce qu'il y a de bon dans l'humanité et dans l'univers?" (p. 199). He rejoiced in the possession of a wireless set, since it had enabled him to hear the Mass relayed from the Eucharistic Congress of Buenos Aires and to receive the Papal blessing. After Loisy's death, M. Guitton learnt that the ex-priest had ordered as the inscription on his grave: ALFRED LOISY, PRÊTRE. *Servavi in votis mandata tua*. These and other details communicated by M. Guitton in his article are necessary for a full and just estimate of the author of *L'Évangile et l'Église*.

JOHN M. T. BARTON

¹ Facultés catholique, Lyon, 1950, pp. 187-202.

QUESTIONS AND ANSWERS

MIXED MARRIAGES—PARISH PRIEST'S
RESPONSIBILITY

If a parish priest is convinced that, in his locality, mixed marriages more often than not involve danger of perversion, is he justified in announcing that he will not, in future, apply for dispensations, except in very special circumstances? (B.)

REPLY

Canon 1035: *Omnis possunt matrimonium contrahere, qui iure non prohibentur.*

i. The right to marry freely, within the limits of the divine law, is a primary natural right, but, because of its social effects, it can be impeded by the legitimate public authority, in particular cases, for the general good. The Holy See, in addition to having exclusive competence to declare the divine law authentically, has reserved to itself, in canons 1038 and 1040, the right to set impediments affecting baptized persons, and to dispense from them, or empower others to do so. Local Ordinaries are permitted, by canon 1039, to impose a temporary prohibition (*vetitum*) in particular cases, but parish priests, since they lack jurisdiction in the external forum, do not possess even this limited degree of jurisdiction over the marriages of their parishioners. At most, in virtue of their pastoral responsibility, they can insist that a marriage be postponed until they have had time to refer the matter to the Ordinary and to obtain his instructions.

ii. Mixed marriages do not belong to the category of acts which are permissible with leave of the appropriate superior. They are "most severely forbidden" by canon 1060, because of the evil effects often involved, especially the danger of perversion, and if in a particular case this latter danger is actually present there is a super-added prohibition of divine law. Moreover, the Church does not attempt to dispense from the eccl-

siastical impediment except upon conditions designed to render the danger of perversion remote.

A parish priest who is convinced that this danger is commonly present in his locality might therefore claim that he is merely interpreting the mind of the Church in refusing to apply for dispensations, except in special cases. But, in the first place, it must be noted that, although there is commonly some degree of danger, it is not always a proximate danger, and although canon 1060 does not use the word "proximate", nevertheless, according to accepted moral principles, only a proximate danger can involve a grave prohibition of divine law. Secondly, even when the parish priest is personally satisfied that the danger is proximate, the final judgement as to the presence of a grave prohibition does not rest with him, but with the Holy See, or the local Ordinary whom it has delegated to act on its behalf (Canons 1023, §3; 1031, §1, 3°, §2, 2°). He may object that he is not attempting to pass a final judgement, but merely leaving the parties to fend for themselves. There is some force in such a claim, because, by canon 36, §1, the parties are at liberty to apply directly to the Ordinary; but, in practice, the Ordinary will require them to apply through the parish priest, not only because they are seldom capable of making their application in correct form, but also because they can scarcely be impartial reporters of their own case. In effect, therefore, a parish priest who refuses to forward the petitions of his parishioners hinders the Ordinary from exercising his function of judgement and reserves it to himself.

iii. It does not follow, on the other hand, that because a parish priest has no external jurisdiction over mixed marriages, he is therefore justified in acting as a mere channel for dispensations. It is his pastoral duty, by canon 1064, to deter his parishioners from mixed marriages and, if he cannot, to take every care that they be not contracted contrary to the laws of God and the Church. He must fulfil this pastoral duty conscientiously, and yet in such a manner as not to impede the Ordinary from exercising his jurisdictional duty as delegate of the Holy See. If, therefore, in a given case, he strongly suspects that, in spite of his preliminary instructions and exhortations, the promises signed by the parties are insincere, or will not be

fulfilled, it is his duty to communicate his honest opinion to the Ordinary, along with the grounds on which it is based. If, after being thus made fully aware of the parish priest's opinion, the Ordinary should nevertheless proceed to grant a dispensation, the parties have a canonical right, by canon 1035, at least in the external forum, to contract marriage in the form of the Church and with the assistance of the parish priest. It may be that the Catholic party is sinning against the divine law, but the parish priest's conscience is clear: he has done his duty.

THE CHIEF COMMANDMENTS OF THE CHURCH

How and why did the Catechism select six of the commandments of the Church and call them "chief"? And why those six? (P.)

REPLY

It is possible that some Catholics regard the Catechism's six-fold list of commandments of the Church as comparable, in their field, to the ten-fold table of commandments of God. Neither list is, of course, actually exhaustive. There are more than ten commandments of God, and there are vastly more than six commandments of the Church among the 2414 canons of the Code of Canon Law. But whereas the decalogue is a divinely determined table—made indeed primarily for the Israelites under the old covenant, but substantially valid under the new covenant as a summary of the natural moral law—the six-fold list of ecclesiastical laws has never been formally determined for the Church as a whole by universal decree. It is a catechetical summary of the principal duties incurred by membership of the Church, and its precise form and content, in any region or period, are dependent on the decision of the Bishop or Bishops responsible for the Catechism of that place and time. The only Catechism which may be said to have been devised for the Universal Church, that of the Council of Trent, which Pope Pius V addressed to parish priests everywhere, contains, rather surprisingly, no table of the kind.

According to Villien,¹ the substance of the list which is in common use nowadays, can be traced back to the second third of the fifteenth century, with some local variations in number and content. St Antoninus, the great moralist of that period, enumerated ten chief commandments, which include all except the last of our six, and Angelo of Clavasio, a fifteenth-century Arregui, has two slightly different lists which include, between them, all except the prohibition of solemnized marriages in the forbidden times. From the beginning of the sixteenth century, some kind of list is a common feature of local catechisms. For a long time, a five-fold division was favoured, and it was adopted in Pius X's catechism for the Roman province, but gradually the six-fold division became traditional, though not always with the same order as ours, or exactly the same content. The first four of our English list are found substantially in all lists. Our fifth, the obligation of contributing to the support of our pastors, is a variant of the more common rule of paying tithes. Relatively few of the older catechisms found it necessary to stress the prohibition against the solemnization of marriage at the forbidden times, and, in view of the mildness with which this law is urged in canon 1108, it is perhaps surprising that it should receive special mention in our modern list. One would expect, for example, that preference would be given to the much more important prohibition against mixed marriages. However, the content of the list is not sacrosanct; so perhaps some day, when the Catechism itself is revised, the list may be modified or enlarged to include this and other commandments of up-to-date and practical importance.

MORALITY OF CONJUGAL CONTINENCE

Why is it commonly regarded as virtuous to observe permanent continence in marriage, and yet sinful, without a grave reason, to practise periodical continence, i.e. limiting the use of the marriage to the so-called infertile periods? (V. C.)

¹ *Histoire des commandements de l'église*, p. 12.

REPLY

Pius XII, Address to the Italian Catholic Union of Midwives, 29 October 1951: THE CLERGY REVIEW, December 1951, p. 389: "The reason is that matrimony obliges to a state of life which, while carrying with it certain rights, also imposes the fulfilment of a positive work connected with that state of life. . . . The individual and society, the people and the nation, the Church herself, all depend for their existence, in the order God has established, upon fertile marriage. It follows from this that to enter upon the state of matrimony, to make constant use of the faculty proper to it and only in matrimony allowable, and on the other hand consistently and deliberately, and without a serious reason, to shirk the primary duty it imposes, would be to sin against the very meaning of married life. . . ."

i. As His Holiness explains in the address from which this excerpt is quoted, marriage was instituted by God, not simply for the private benefit or personal satisfaction of the contracting parties, but also, and indeed primarily, for the good of the race and of the spiritual and temporal societies in which men are called to work together for the common good. Hence, when a man and a woman jointly undertake the state of matrimony, they incur, in addition to the mutual rights and duties resulting from the contract, a positive obligation of divine law to promote the *bonum proli* for which the matrimonial state was primarily instituted. It is, therefore, incorrect to say, without further qualification, that they may virtuously, or even lawfully abstain from using their matrimonial rights, either periodically or permanently, provided only that they mutually consent to such continence. Mutual consent removes the element of injustice that might otherwise be involved, but it does not, of itself, excuse the parties from the positive obligation inherent in the very state which they have freely undertaken, to promote the good of the race and of society. In order lawfully to omit the obligation of promoting so grave a good, they need a proportionately serious reason, additional to their mutual consent, which either renders fulfilment of the obligation inopportune, or outweighs the claim of the race in their particular case.

ii. Now, whether the parties maintain continence permanently, or merely during the periods in which conception is thought to be possible, it is clear that, as far as their intention is concerned, the obligation to the race is equally omitted. In both cases alike, therefore, there must not only be mutual consent and adequate safeguards against the danger of private incontinence, but also an additional honest reason, grave enough to justify the omission of the obligation to the race. In both cases, the required justification may be found in some consideration of the natural order, for example, that a pregnancy would be dangerous to the mother, or that the birth of a child would involve grave inconveniences extrinsic and additional to those normally and naturally involved. In either case, the continence practised may well be virtuous and even meritorious; indeed, according to the thomistic principle, if it is lawful and the parties are in the state of grace, it is *eo ipso* virtuous and meritorious. The difference between the two forms of continence and the reasons why the one is commonly commended and the other at most tolerated, is to be found in the diverse motives for which, in actual practice, they are commonly adopted. The supernatural good involved in the practice of heroic self-denial for the love of God normally provides a grave enough reason for conjugal continence, other things being equal; but, if this be the motive, the continence will be permanent, or, at least, it will not be limited to the fertile periods. This latter form of continence is therefore, in practice, much more likely to be practised for selfish or insufficient reasons, and is, in consequence, much less likely to avoid the inherent moral dangers.

L. L. McR.

THE TABERNACLE VEIL

Is there any rule regarding the material of the conopaeum or tabernacle veil? May it be made of transparent material, such as lace or nylon? (F. P.)

REPLY

The Roman Ritual (V, i, 6) says that the tabernacle con-

taining the Blessed Sacrament is to be "Conopaeo decenter opertum", while the Code of Canon Law (canon 1269²) prescribes that it be "decenter ornatum ad normam legum liturgiarum". The material of the conopaeum is not definitely determined, but as it is the chief ornament of the tabernacle, writers on rubrics interpret the word *decenter* as meaning that becoming materials of a precious character should be used, such as silk, real cloth of gold. *S.R.C.* in 1855 (No. 3035¹⁰) allowed the use of material made of wool, cotton or hemp, but rubricians interpreted this reply as applying to poor churches only.

In 1940 *S.R.C.* was asked if a conopaeum made of lace may be *tolerated*. The reply (11 July 1940) was that decree 3035¹⁰ was to be observed, and the conopaeum made of cotton, woollen or hempen cloth, as well as of pure silk. The tabernacle is to be *covered*, and this for mystical reasons (recalling the veiling of the Tabernacle of the Old Testament), and for reverence sake (just as sacred vessels are veiled when publicly exposed and not in use), and so it would seem that the conopaeum should not be of any transparent material. The 1940 reply of *S.R.C.* seems to confirm this opinion, which some rubricians expressly held previous to that decision.

It is difficult to say if nylon is a suitable material for a conopaeum. It would seem not. A recent reply in *L'Ami du Clergé* (21 January 1954) rejects it for vestments, and points out that while it has certain good qualities (such as lightness), it is highly inflammable, and easily injured (e.g. a small tear will spread rapidly).

RINGING THE BELL AT "DOMINE, NON SUM DIGNUS"

During Mass should the bell be rung three times at *Domine, non sum dignus?* (C. J.)

REPLY

No rubric or decision of *S.R.C.* prescribes the ringing of the bell at *Domine, non sum dignus*. It is a practice in some places to

ring the bell at each *Domine, non sum dignus* recited by the celebrant. But this prayer is his private preparation for his own Communion and is recited in a low tone, and he alone should strike his breast at it. Hence it is meaningless to ring the bell at each *Domine*, as if the ringing were connected with the prayer. If the bell be rung at all at this moment in the Mass, its only *raison d'être* is as a warning to the congregation that the time for the Communion of the people has arrived (the ringing of the bell at Mass is always a warning signal, never a special ceremony). Then it should be rung once only.

SERVERS IN ALBS

May servers (thurifer, acolytes) at High Mass and solemn offices wear albs? (B. A.)

REPLY

For many centuries all serving clerics wore the alb. Only about the eleventh century (in England) did the use of the shortened alb, i.e. the surplice (cotta) come into use. From the twelfth or thirteenth century the use of the alb was reserved to clerics in major Orders at Mass, and, for the deacon and sub-deacon, whenever they wear dalmatic and tunicle. Even a priest celebrant does not wear an alb at Matins, Lauds or Vespers (cf. *S.R.C.*, 1077³), or in exequial functions (unless immediately following Mass); nor do the Assistant Priest and assistant deacons wear an alb at Pontifical Mass. The alb is counted a sacred vestment and is blessed.

For pontifical functions—the most solemn of all—the Ceremonial of Bishops (I, xi, 1, 2) directs that all servers wear a cotta (and by this the Ceremonial means a full surplice, as the rubric in I, xi, 7, regarding the thurifer, shows). Later it speaks of the gremial and cruet bearers as vested in cotta (I, xi, 2), and of the book-bearer similarly attired (II, viii, 7).

Indeed the wearing of the surplice itself is proper to tonsured clerics, is *per se* forbidden to laics (*S.R.C.*, 1111⁶; cf. 2952), and

is allowed to lay servers only when clerics are not available for the service of the altar (*S.R.C.*, 3248⁴).

Apart, then, from established canonical custom—as e.g. in the diocese of Paris and in certain monastic Orders—the use of albs for servers is not lawful.

J. O'C.

ROMAN DOCUMENTS

AN ALTERATION IN THE CODE

MOTU PROPRIO

QUAEDAM VERBA EXPUNGUNTUR A CAN. 2319, §1, 1° (*A.A.S.*, 1954, XLVI, p. 88).

PIUS PP. XII

Ecclesiae bonum postulat ut, quantum fieri potest, caveamus ne, incertis privatorum hominum de germano canonum sensu opinionibus et coniecturis, Iuris canonici stabilitas in discrimin vocetur, neve, subtilitatibus et cavillationibus immorando, contra apertam legislatoris voluntatem, legum violatoribus indulgeatur iniuste, quod nervum ecclesiasticae disciplinae disrumpit.

Sed quidam sacrorum canonum interpres id non satis attendentis vim can. 2319, §1, 1°, extenuarunt atque, plus aequo innixi praescripto can. 1063, §1, in eodem revocati, docuerunt non quodlibet matrimonium a catholicis initum seu attentatum coram ministro acatholico puniri excommunicatione Ordinario reservata.

Itaque ne christifideles, metu poenae liberati, eiusmodi crimen admittere audeant, Nos, auditis Emis ac Revfhis Patribus Supremae Sacrae Congregationis S. Officii, Motu Proprio ac de plenitudine Apostolicae potestatis, decernimus atque iubemus ut a can. 2319, §1, 1°, expungantur verba “contra praescriptum can. 1063, §1”.

Mandamus autem ut hae Litterae Apostolicae, Motu Proprio datae, in *Actis Apostolicae Sedis* edantur.

Contrariis quibuslibet non obstantibus, etsi peculiarissima mentione dignis.

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PIUS PP. XII

According to canon 2319, §1, as hitherto phrased, Catholics incur excommunication *latae sententiae*, reserved to the Ordinary, if they marry before a non-catholic minister, contrary to the rule of canon 1063, §1. This rule reads: "Even though a dispensation from the impediment of mixed religion may have been obtained, spouses cannot, either before or after a marriage contracted *coram Ecclesia*, appear also before a non-catholic minister, functioning as a minister of religion, either personally or by proxy, to give or renew matrimonial consent." Since it is far from being a simple, unqualified rule, it was perhaps unfortunate that the penal law of canon 2319 should have referred to it as though it were; and, in the event, the reference led to more than one dispute about the conditions required for incurring the penal sanction.

i. Some authors concluded from the use of the phrase: "appear also before a non-catholic minister", that the censure was only incurred when there was a double religious ceremony, *coram Ecclesia* and also *coram ministro acatholico*, not therefore when the only religious ceremony took place before a minister.¹ Canon Mahoney felt bound to concede probability to this opinion, because penalties are to be strictly interpreted (canon 19), and because, if the legislator had meant to censure a marriage invalidly contracted with the sole assistance of a non-catholic minister, he should have said: "contra praescriptum canonis 1094", which requires the assistance of a Catholic parish priest. He himself, however, preferred to hold that the assistance of a non-catholic minister alone sufficed for the censure, because this was certainly the law before the Code (*S.C. Sac.*, 26 March 1909), and in doubt we must assume that the law had not changed (canon 6, 4^o). Moreover, the liberal opinion would lead to the absurd conclusion that a Catholic who had married before a non-catholic minister did not incur the excommunication unless and until he convalidated the marriage by contracting *coram Ecclesia*.²

ii. Among the commentators who could not accept the above opinion, some, including Canon Mahoney, nevertheless interpreted

¹ Genicot-Salsmans-Gortebek, *Institutiones Theol. Mor.*, II, n. 947; Gougnard, *Collationes Theologicae*, fasc. 2, Mechlin, 1936, pp. 112-17.

² THE CLERGY REVIEW, February 1933, pp. 159-61; August 1937, p. 299.

the reference to canon 1063 as meaning that the censure was only incurred when the contract witnessed by the non-catholic minister was a mixed marriage, not therefore when both parties were Catholics.¹ But even taking the words of canon 1063 in their strict sense, this was a very questionable interpretation, because it does not say: "When a dispensation from the impediment of mixed religion has been obtained", but: "Even though a dispensation from the impediment of mixed religion may have been obtained."

By the elimination of the reference to canon 1063 from canon 2319, both the above liberal opinions have been authoritatively quashed; for the penal law now states, without qualification, that "Catholics who marry before a non-catholic minister" incur the excommunication. It does not matter therefore, from the point of view of the penal law, whether the marriage is mixed or not, or whether a Catholic ceremony precedes, or follows, or is omitted altogether. But one can already glimpse the shadow of a new doubt arising: the unhappy reference to canon 1063 at least made it clear that the censure was only incurred when the non-catholic minister assisted in his religious capacity; that is surely still the law, but it now has to be inferred from the law's history.

L. L. McR.

CHILDREN'S WORLDWIDE DAY OF PRAYER FOR PEACE

EPISTULA

AD EMINUM P. D. MAURITIUM CARD. FELTIN, ARCHIEPISCOPUM PARISIENSEM, OB "DIEM SUPPLICATIONIS" PRO PACE INTER PUEROS UNIVERSOS PROXIMO MAIO MENSE PROMOVENDUM (A.A.S., XLV, 1953, p. 847).

PIUS PP. XII

Le douloureux spectacle d'un monde meurtri et divisé, sur lequel ne cessent de planer de sombres nuées, Nous a déjà fourni maintes

¹ Mahoney, THE CLERGY REVIEW, March 1939, p. 131; *Questions and Answers*, I, qu. 342; Heylen, *De Censuris*, ed. 4, p. 154. Cerato even concluded that the censure was not incurred if the impediment was disparity of cult (*Censurae Vigentes*, ed. 2, n. 47).

occasions d'exhorter tous Nos fils à la prière et à la pénitence, afin d'obtenir du "Père des Miséricordes"¹ l'inestimable bienfait d'une paix juste et stable entre les nations. Il vous souvient, en particulier, que durant la dernière guerre Nous invitons spécialement les enfants chaque année, à l'approche du mois de mai, à implorer ce don de la paix par la très puissante intercession de la Vierge Marie, Mère de Dieu et notre Mère. "Qu'ils nous obtiennent, disions-Nous, que partout où s'insinue l'avide convoitise se répande désormais l'amour; que là où sévit l'injustice s'introduise le pardon; qu'à la discorde qui divise les esprits succède la concorde qui les rapproche et cimente leur union; que là enfin où l'horreur des inimitiés provoque déchirements et bouleversements, les pactes d'une amitié renouvelée apaisent les esprits et rétablissent toutes choses dans la tranquillité et l'harmonie de l'ordre."²

Un semblable appel garde encore de nos jours, hélas! toute son actualité: le fracas des armes n'a pas fini de retentir en certaines régions et les esprits surtout, sur le plan social comme dans l'ordre international, sont loin de s'être engagés partout sur la voie d'un loyal effort de mutuelle et juste compréhension. Aussi considérons-Nous avec faveur le projet, dont vous Nous entretenez, d'une Journée mondiale de prière des enfants pour la paix, au mois de mai 1954. Cette initiative au surplus, qui voudrait, en chaque paroisse, chaque institution scolaire, susciter la prière unanime des enfants pour la paix du monde et l'offrande, à cette intention, de leurs généreux sacrifices, répond sans nul doute aux grandes intentions de l'Année Mariale, telles que Nous les proclamions dans Notre récente Lettre Encyclique "Fulgens Corona".

Nous Nous proposons, s'il plaît à Dieu, d'adresser Nous-même en cette circonstance une parole de paternelle exhortation à tous Nos fils, mais déjà Nous vous sommes reconnaissant de ce qui pourra être fait pour assurer l'heureuse réalisation de cette Journée. Bien préparée, celle-ci doit être, en effet, bien plus qu'une manifestation d'éphémère ferveur: elle éveillera chez ces chers enfants le sens de leur fraternité chrétienne à travers le monde; elle leur fera aimer l'idéal et connaître les conditions d'une vraie paix des coeurs, des familles, des sociétés; elle stimulera enfin parmi cette jeunesse le zèle de la vertu, le goût de la prière, le courage du sacrifice, en dehors desquels il n'y a ni sérieuse réforme de la conscience ni œuvre de paix profonde et durable.

Au maternel patronage de la Vierge Immaculée Nous recom-

¹ II Cor. 1, 3.

² Lettre au Card. Maglione, du 20 Avril 1941, *A.A.S.*, t. XXXIII, p. 111.

mandons volontiers le succès spirituel de cette Journée et, en gage de Nos vœux paternels, Nous accordons à vous-même et à tous ceux qui auront contribué à sa réussite, Notre Bénédiction Apostolique.

Du Vatican, le 30 Novembre 1953.

PIUS PP. XII

**A PRIVILEGE NOT REVOKED BY
CHRISTUS DOMINUS**

SUPREMA SACRA CONGREGATIO S. OFFICII

NOTIFICAZIONE (A.A.S., XLV, 1953, p. 806).

Viene chiesto se con la Costituzione Apostolica *Christus Dominus*, attesa anche la relativa Istruzione del S. Offizio, sia stato revocato il privilegio, goduto da alcune chiese, di celebrare nelle ore serali della vigilia la *prima Messa* del S Natale.

In proposito si rende noto che tale privilegio, essendo d'indole liturgica, non rientra, sotto quest'aspetto, nelle clausole abolitive della Costituzione *Christus Dominus*.

I Sacerdoti, però, che celebrano nelle predette circostanze, come pure i fedeli che si accostano alla S. Comunione, devono attenersi alle vigenti disposizioni circa il digiuno eucaristico.

Palazzo del Sant'Offizio, 12 dicembre 1953.

**PROVISION FOR MASS AT 12.30 A.M. ON
8 DECEMBER 1954**

**SACRA CONGREGATIO
DE DISCIPLINA SACRAMENTORUM**

DECRETUM (A.A.S., XLV, 1953, p. 808).

Quo sollemniori ritu ac pari magnificentia Marianus Annus nuper ubique terrarum indictus Litteris Encyclicis "Fulgens corona" sumat initium atque ad exitum perveniat, Sanctissimus Dominus Noster Pius Divina Providentia Papa XII die 25 mensis Novembris labentis anni Revñis locorum Ordinariis facultatem tribuere libenter dignatus est indulgendi ut in unaquaque ecclesia cathedrali, collegiali, conventuali, paroeciali, necnon in potioribus ecclesiis et

orariis, etiam sodalibus religiosis concreditis, praesertim autem in Sanctuariis Marianis et ecclesiis Beatissimae Virgini Mariae dicatis, ad quae populus frequentior accedere solet, exceptis tamen domesticis sacellis, dimidia hora post mediam noctem, quae interfluit intra diem septimum et octavum mensis Decembris MCMLIII, itidemque inter eosdem dies mensis Decembris anni MCMLIV, una sancta Missa, etiam solemnis, litari possit, in qua, vel continuo ac statim post eam expletam, christifideles rite dispositi sacra Synaxi sese reficere queunt, servato ieiunio, a media nocte.

Id vero indulgere valent R.R. Ordinarii dummodo sacrae supplicationes Deo Beatissimaeque Virgini Mariae Immaculatae impendantur ad praeclera permagnique momenti imploranda beneficia a memoratis Litteris Encyclicis singillatim recolita, per spatium saltem duarum horarum, in hoc computato tempore ad Missam celebrandam insumpto, servatis in reliquis de iure servandis cautoque ut quolibet praecaveatur irreverentiae ac profanationis periculum.

Datum Romae, ex aedibus Sacrae Congregationis de Disciplina Sacramentorum, die 26 mensis Novembris MCMLIII.

✠ B. Card. ALOISI MASELLA, Ep. Praenest., *Pro-Praefectus*
F. Bracci, *a Secretis*

CHRISTUS DOMINUS IN CATECHETICAL FORM

SACRA CONGREGATIO CONCILII

CIRCOLARE

CIRCA NUOVE FORMULE DEL DIGIUNO EUCARISTICO

DA INTRODURSI NEL CATECHISMO DEL B. PIO X (A.A.S., XLV, 1953, p. 809).

Come è noto, con la Costituzione apostolica *Christus Dominus* del 6 Gennaio 1953 il regnante Sommo Pontefice Pio Pp. XII stabilì una nuova disciplina per il digiuno eucaristico, e la Sacra Congregazione del Sant'Uffizio con l'Istruzione del medesimo giorno emanò speciali norme per la regolare osservanza di tale disciplina (*Acta Apostolicae Sedis*, Vol. XXXV, pag. 15 e 47).

In seguito poi ad interessamento di questo Sacro Dicastero del Concilio, la medesima Sacra Congregazione del Sant'Uffizio, con l'augusta approvazione del Santo Padre, ha disposto che nel Cate-

chismo del B. Pio X siano apportate le seguenti modifiche alle domande 335, 339 e 340, nonchè alle relative risposte:

335. *Quante cose sono necessarie per fare una buona comunione?*

R. Per fare una buona comunione sono necessarie tre cose: 1° essere in grazia di Dio; 2° sapere e pensare chi si va a ricevere; 3° essere digiuno dalla mezzanotte.

339. *In che cosa consiste il digiuno eucaristico?*

R. Il digiuno eucaristico consiste nell'astensione da qualsiasi cibo o bevanda, eccetto l'acqua naturale.

340. *Chi non è digiuno può ricevere mai la comunione?*

R. Chi non è digiuno può ricevere la comunione in pericolo di morte; inoltre in particolari circostanze determinate dalla Chiesa.

340-bis. *Quali sono queste particolari circostanze determinate dalla Chiesa?*

R. Sono le seguenti:

(1) Gl'infermi possono fare la santa comunione, anche dopo aver preso medicine o bevande, se per grave incommodo—riconosciuto dal confessore—non possono rimanere completamente digiuni.

(2) Chi fa la comunione a tarda ora o dopo un lungo cammino o dopo un lavoro debilitante può prendere qualche bevanda fino ad un'ora prima di comunicarsi, se prova grande incommodo—riconosciuto dal confessore—ad osservare completamente il digiuno.

(3) Nelle Messe vespertine può fare la comunione chi si è astenuto dai cibi solidi per tre ore e dalle bevande per un'ora.

340-ter. *Nei permessi di prendere bevande sono compresi anche i liquidi alcoolici?*

R. Nei permessi di prendere bevande sono esclusi gli alcoolici.

Tanto si comunica per opportuna intelligenza e norma.

Roma, 14 Novembre 1953.

L.  S.

G. Card. BRUNO, Prefetto

F. Roberti, Segretario

BOOK REVIEWS

Hugh Pope, of the Order of Preachers. By Kieran Mulvey, O.P. Pp. 208. (Blackfriars Publications, 1954. 12s. 6d.)

MANY a Dominican has been travelling, wearing a black clerical suit, and fallen into conversation with a brother priest of the secular clergy. Upon the Dominican disclosing the name of the Order to

which he belongs, how often he has heard the rejoinder: "Oh yes, of course I met Father Hugh Pope," or it might be "I heard him preach, or lecture." A rejoinder nearly as frequent might refer to Father Vincent McNabb or to Father Bede Jarrett. These Dominicans, and especially Father Hugh Pope, became national figures among the Catholic community. It has been said that the Dominican Order exerts an influence on contemporary life quite disproportionate to its relatively small numbers: among the so-called great Orders in the Church it is probably by far the least numerous, there being little more than 8000 friars in the whole world. This situation has perhaps been due to the exceptional qualities of a few outstanding men. Father Hugh was one of these, and most people had either heard of him or read some of his writings. For nearly forty years he was a prominent figure in Catholic life, and especially during the twenty years from 1910 to 1930 he was preaching both in the churches and in the public squares, and lecturing both in quiet instruction and in fierce controversy, all over the country. And now here we have an authoritative biography, which will stand next to that of Father Bede Jarrett which appeared last year.

Father Hugh Pope died on 23 November 1946. He was seventy-eight years old and had been for just over four years Superior of the small Dominican house in Edinburgh. A year previously, in 1941, he had just finished his second term as Prior of Hawkesyard where he had been installed in 1935. From 1920 to 1932 he had been Regent of Studies, first at Hawkesyard and then from 1929 at the new house of studies at Oxford, and during these years he had an important effect on the studies in the English Dominican Province. These years coincided with the later years of Father Bede Jarrett as Provincial. The war years from 1914 saw him Prior of the novitiate house at Woodchester. Previous to that he was for four years teaching in Rome. And all the time he was tirelessly preaching and writing. His most well-known work, *The Catholic Student's "Aids" to the Bible*, which finally ran to five volumes, began to appear in 1913 and was not completed until 1938. This work is a kind of accompaniment to the most active period of his preaching and controversy.

This same period saw what was one of his most important contributions to Catholic life: the formation under his guidance of the Catholic Evidence Guild. The idea of laypeople preaching the Faith in the open is now a commonplace, but it was not so at the time of the Guild's First Annual Conference in 1918: it was something quite new then, and it is of especial value that this biography devotes no less than forty-six pages to the complete reproduction of

contemporary reflections by Father Hugh explaining the whole idea in theory and in practice.

Father Hugh was a man of many accomplishments, perhaps most outstanding as a preacher and lecturer, but hardly less as a writer, chiefly on biblical and patristic subjects. He was also a most able administrator, as his frequent tenure of offices of responsibility shows. In his youth he was a very promising footballer, and up to the end an enthusiastic fisherman, as well as no mean naturalist. But above all he was a friend and a father to many both inside and outside his Order, and more than one young man, like the present writer, was drawn to the Order when meeting him.

Among the many in the Order who were devoted to him was his biographer, who was his companion during the last years at Edinburgh and had heard so many details of his life story from his own lips. Father Kieran was instructed by the Provincial Chapter to prepare this biography and was able to draw on Father Hugh's voluminous notes as well as his many printed works, which included articles in *THE CLERGY REVIEW*, and the statements of many friends, to supplement his own intimate knowledge of Father Hugh's reminiscences, and he has fashioned the whole into the captivating story of a very full life, skilfully interweaving extended extracts from Father Hugh's writings, which otherwise might easily have become forgotten.

It is a good thing that this story has been told, and told with such careful detail; for the name of Hugh Pope remains in the memory of so many, and was on the point of becoming a legend, for want of authentic history. And here now is the biography, but yet Father Kieran has somehow contrived, most fittingly, to preserve in the history something of the atmosphere of the legend.

SEBASTIAN BULLOUGH, O.P.

Prophecy and Papacy. A Study of Lamennais, the Church and the Revolution. By Alec R. Vidler. (S.C.M. Press, London. 25s. net.)

THIS learned book is an expanded and fully annotated version of the Birkbeck Lectures delivered by Canon Vidler at Cambridge during 1953. It does not constitute a full biography of the Breton prophet, for the seventh and last of them, "The Failure of a Mission? 1833-1836", ends with his retirement and his renunciation of his orders. Nor is there a definitive appraisal of Lamennais' complex character, for that lecture ends with the questions: "Whose fault was it that he was lost to the Church? Had he failed in his mission? Or had the Pope and hierarchy failed in theirs?"

Holding that it is the business of the historian to supply the *data* for answering such questions rather than to answer them himself,

Dr Vidler has provided material in abundance and has thoroughly explored the vast French literature of the subject. He is especially indebted to the Frères de l'Instruction Chrétienne de Ploërmel, whose archives are now in Jersey, for assiduous help and access to additional material. There is very little indeed in English about one of the greatest churchmen of modern times and, in Canon Vidler's own opinion, one of the most remarkable men that have ever lived.

It was long ago pointed out by Amiel that Rousseau was "an ancestor", that he founded reverie before Chateaubriand, nature-worship before Bernardin de Saint-Pierre, political and theological discussion before Mirabeau and Renan, that he was a great influence both in the French Revolution and the Romantic Movement of the nineteenth century, that Byron and Shelley, de Staël and George Sand all descend from him. The impact of Lamennais was equally enormous; his life has been truly described as a drama in which the history of a whole century was concentrated. He was a writer of genius, the founder of modern ultramontanism, of "Liberal Catholicism", and of "Christian Socialism". He was an inspired and thrilling talker, capable of making eager disciples of almost everyone who listened to him. As a journalist he was a mighty innovator, moving restlessly and vehemently in that borderland where Religion and Civil Society meet and have so often clashed. While orthodox, he was a spiritual director, or something very near it, to three great founders: Lacordaire, Guéranger and Emmanuel d'Alzon. As a sort of counterpart, but in reverse, to Newman, he has been described as "the greatest individual loss which the Church has sustained for four hundred years". He attacked the all but dominant secularism of his time with such overwhelming eloquence and with such incisive argument that a great writer hailed him as a second Pascal.

Nothing is more enlightening than a correct and careful account of a man's origins. With an Irish grandmother, Félicité came from a Breton bourgeois family deeply impregnated with the liberal philosophical ideas of the eighteenth century. His father, who was an important official at St Malo under the Ancien Régime, was a physiocrat and a follower of Turgot. Both the father and the uncle, who took the main part in the education of the moody, motherless little boy, were likewise Rousseauites, full of Deism and civic virtue. They administered without any reluctance the Civil Constitution of the Clergy and other "reforming" decrees of the National Assembly, and their enthusiasm for Liberty did not cool until the Revolution had reached the stage of the Terror. All this left deep marks on Félicité. Although his elder brother Jean had become a priest, the lonely, intractable youth did not make his First Communion till he

was twenty-two. Without any proper training—Goyau's phrase is “sans aucune éducation ecclésiastique”, he was ordained at the age of thirty-four after taking all the minor orders in the space of three months. He seems to have been over-persuaded by his brother, by the Abbé Carron, and other priests and to have taken the decisive step with a kind of blind resignation that masked a deep interior reluctance. Henri Bremond said that he was a priest to the very marrow of his bones; others have said that as a layman journalist he would never have broken with the Church. Who can say? When we think of his frail and meagre physique, his sombre and ardent temperament, his deep melancholy and capacity for self-torment, he seems fearfully like Leopardi.

The contradictory positions he took up between 1817 and 1836 point to a fundamental instability of mind and character. He was a royalist and then a republican, all for authority and then all for liberty, for theocracy and then for the sovereignty of the people. Endeavours have been made to trace an inner consistency through these variations. He first looked to the Holy See as “the saviour of society” against secular despotism, regalism, and capitalism; when he did not find the expected approbation and support he declared that the people had not really rejected Religion but only the parody of it presented to them in alliance with political absolutism. He had regarded the Church as, very properly, established and endowed; then he found that it ought to be separated from the State, and the salaries granted under the Concordat of 1801 ought to be renounced—“a Free Church in a Free State”.

The gist of this work is that the whole story exemplifies the difference between Priest and Prophet, Gregory XVI standing for institutional religion, Lamennais for individual inspiration, and that a clash was more or less inherent in the contrast. When *L'Avenir* was condemned by the French bishops, it was Lacordaire who had the idea of going to Rome and stating the case to the Pope. Montalembert's doubts and misgivings were at once brushed aside. What happened to the three “Pilgrims of God and Liberty” has been variously related; but Dr Vidler appears to have established the facts very exactly, especially in regard to the dating of events and of letters in between the arrival at Rome and the issue of the condemnatory Encyclical, *Mirari Vos*. There are some curious particulars of the extent of Metternich's interventions at Rome and the degree in which some of Gregory XVI's decisions were affected by politics and by concern for the integrity of the States of the Church.

More surprising is the fact that Lamartine, Victor Hugo, Balzac, Auguste Comte, Alfred de Vigny and Sainte-Beuve were all of them

strongly influenced by Lamennais. Comte agreed fully with him that there could be no regeneration of society without religion; to Victor Hugo he was a spiritual director for years. All were estranged and driven away by the condemnation, though how long they would have remained, in any case, is matter for speculation. There is some interesting matter, too, on those famous centres of Breton devotion, La Chesnaie, Ploërmel and Malestroit.

The book as a whole is very courteous, fair and moderate. There are one or two things that will surprise, for instance, the comparison with Loisy, and (a minor matter) the very curious use of the term "carlist" instead of the usual and well-understood "legitimist". Altogether, an interesting and valuable work, lucid, objective, and well-balanced.

The Westminster Abbey Singers. By Edward Pine. (Dennis Dobson. 18s.)

MR PINE, Senior Master at the Abbey Choir School, has searched the Muniments and Chapter Minutes and compiled a good deal of interesting information ranging in date from 1479, when a separate Master of the Singing Boys was appointed, to the coronation of H.M. Queen Elizabeth II. The first and longer portion of the book, entitled "Documentary", is indeed a virtual transcription of the numerous records, while the second, "Hearsay", gives the impression of equal care. The volume is suitably illustrated and very well produced.

An interesting sample of the incipient Puritanism during the spoliation of the monasteries is shown in a complaint presented to Henry VIII in 1536 which described "the singing and saying of Mass, Matins or Evensong as but a roaryng, howling, whistleyng, mumming, conjuring and jozelyng and the playing of the organys a foolish vanitie". During the reign of Edward VI the Abbey was plundered, plate and brasses taken (and sold) as "monyments of Idolatre and Supsticyon", the windows were left broken, and before Mary's coronation could take place the church had to be cleared of pigeons. When, in 1556, the Benedictines were re-instated with Master Feckenham as their Abbot, he contented himself with a modified monastic discipline "much like that observed in cathedral churches" and generally in accordance with the laws and customs of Colleges and Inns of Court. This is the testimony of Dom Sigebert Buckley, transmitted to us by Father Augustine Baker.

In July 1559 came the second and final dissolution and when, in the following year, Elizabeth I gave a charter of foundation to the Collegiate Church of St Peter it was provided that there were to be there *clericu duodecim*, of whom one to be *choristarum doctor* and there

were to be *decem pueri symphoniaci sive choristae*; their Master to be a Doctor or Bachelor of Music, "of good repute, godly life, sincere religion, and practised in singing and performing musical instruments". The singing boys were part of Westminster School, an arrangement that subsisted till 1848 when they were again constituted as a separate school.

J. J. D.

S.S. Pie XII et l'Apostolat des laïques. By Emile Vauthier. Pp. 56. (L'Ami du Clergé. 45 f.)

The Theology of the Apostolate. By Mgr L. J. Suenens. Pp. xviii + 159. (Mercier Press. 7s. 6d.)

The Apostolic Itch. By Vincent J. Giese. Pp. 126. (Fides. \$2.75.)

FIRST, a reprint from *L'Ami du Clergé*, which brings together a large number of useful and illuminating quotations from the discourses and encyclicals of the Holy Father. The texts are linked together by a minimum of commentary but are grouped in such a way as to give a clear conspectus of the Pope's thought on the lay apostolate in the world of today. After an analysis of the present darkness over the earth, Father Vauthier shows how all Catholics can be apostles, and the necessary conditions: their action must be conscious, illuminating, life-giving, unifying and in obedience to the Hierarchy. The whole provides a fascinating and inspiring picture of how Pope Pius XII has taken a key thought of the previous pontificate and developed it so that its dynamism has not grown stale. Most of all, it gives the answer to those who suggested that the encouragement of the lay apostolate was an ephemeral enthusiasm peculiar to Pius XI.

One of the most widespread forms of the lay apostolate in the English-speaking world is the Legion of Mary which from its beginnings thirty-three years ago in Dublin has spread throughout the Church. As the apostolate is an extension of the Incarnation it is effected always and everywhere *de Spiritu Sancto ex Maria Virgine*, and in no apostolic movement is this made more explicit than in the Legion of Mary, and especially in the Legionary Promise. Bishop Suenens, Auxiliary to Cardinal Van Roey, has had the happy thought of writing a detailed and profoundly theological commentary on the Promise. One cannot doubt that many of the ideas propounded by Bishop Suenens will find their way into *allocutiones* to Legion *praesidia* all over the world. The translator has done his work well, with one blemish: although English translations exist of most of the works quoted, references are given to the French editions.

The third of the works under review is, despite its somewhat

unusual title, a most extraordinary and important contribution to the growing literature on the lay apostolate. In the first place it is written by a layman out of his own apostolic experience, and it is indigenous to its country of origin. It is this latter which makes it such a portent, for too often books and articles on this subject published in England and America have been translations or re-hashes of French and Belgian works. This was inevitable for a time because the lay apostolate, especially in its specialized form, came to maturity first in these continental countries, and the English speaking world, with certain misgivings, set about adapting these foreign ideas and practices. Mr Giese has reacted in a creative way against what he calls this "state of unhealthy spiritual dependency", and has made the first step towards developing a peculiarly American form of the Church's apostolate of the laity. He lays stress on the potentialities, not the achievements, of American Catholicism, and hopes that its vigorous activity along with ideas borrowed from Europe will make up for the lack of native intellectual movements in the United States. "At present," he writes, "we lack an intellectual movement over here, but if ever we develop one and tie it up with our ingenuity for action, we will have dynamite on our hands." It seems as though in this field, as in others, the new world is to be called in to compensate the old.

Lest this should give the impression that Mr Giese is preoccupied with techniques and methods, we hasten to say that this is decidedly not the case. If there is any preoccupation in the book it is with the question of lay spirituality, an appeal to the clergy to give thought to the special needs of those who are in the front ranks of the lay apostolate and who wish to strive for perfection in and through their apostolate, as journalists, business men, factory workers, teachers, managers. This appeal is accompanied by a down-to-earth appreciation of the meaning of the priesthood which is moving both because of its sincerity and its honesty. Prayer, poverty, the love of Christ and a clear-eyed appraisal of the obstacles that face the Christian apostle are the distinguishing marks of the American Catholic Actionist as Mr Giese would have him. If his book receives the attention that it deserves, then we may hope for great things on the other side of the Atlantic.

J. F.

La Pensée Religieuse du Jeune Hegel. By Paul Asveld. (Publications Universitaires de Louvain. 135 Fr. b.)

HEGELIAN studies have been at a low ebb in England for some time. G. R. G. Mure's *A Study of Hegel's Logic*, published at Oxford in 1950, is the only notable work on Hegel that has appeared in Eng-

land in recent years; it is in fact the only notable work that has appeared since the same author published his *Introduction to Hegel* in 1940. On the Continent, however, we have a very different state of affairs. Both in Germany and in France philosophers have been giving a great deal of attention to Hegelianism, and particularly to the development of Hegel's thought during the earlier years of his life. In Germany Th. Häring and G. Lukacs, and in France J. Hyppolite have written extensively on the early years of Hegel's life and work, but their massive volumes are not likely to be read in England (or anywhere else for that matter) save by a few specialists. But there is no reason why the same should be said of Dr Asveld's splendid book. Dr Asveld has indeed written a most interesting book on the works of the first thirty years of Hegel's life, providing at the same time a study of the intellectual climate of the age which helped to mould his mind during these years. The period extends from his boyhood at Stuttgart (where he was born in 1770) until 1801, when he went to the University of Jena as a *Privatdozent*. Making full use of the works of the most reliable scholars, Dr Asveld has provided a clear and succinct account of the different stages in the development of Hegel's mind. The reader is taken from a study (in the first chapter) of Hegel's early education, first at Stuttgart where he lived till he was eighteen, and then at the Protestant Seminary (*Stift*) at Tübingen where he lived from 1788-93, to a study (in the second chapter) of his years spent at Berne as a private teacher (1793-96), and thence (in the third chapter) of his years at Frankfurt-on-Main (1797-1800). Hegel's early interests were theological, historical and economic or sociological rather than purely philosophical, and thus the study of his early life and thought has a much wider appeal than that of the philosophical system he expounded in his later years of maturity. Dr Asveld is writing as a philosopher for philosophers, and it is to be expected that he should devote his attention primarily to matters of philosophy, and to Hegel as a young philosopher. His painstaking study of the influence exerted on the young Hegel by Kant, Schelling and Fichte is especially commendable. But the long chapters on his years at Berne and Frankfurt contain an admirable account of Hegel's abandonment of Christianity, of his views about God, Jesus Christ, Judaism and Christianity, and of his philosophy of religion, which will be of interest to many not concerned especially with matters of pure philosophy. The book deals with a period of Hegel's life and work rarely studied in England, and can certainly be recommended as one of the most readable and stimulating introductions to a study of Hegel's thought anyone could desire.

E. A. S.

The Theological Distinction of Sins in the Writings of St Augustine. By Eugene F. Durkin. *Dissertationes ad Lauream*, No. 23. Pp. 161. (Saint Mary of the Lake Seminary, Mundelein, Illinois, 1952.)

THE distinction between mortal and venial sin did not become a live issue until Jovinian revived the Stoic error that all sins are alike, and the Pelagians denied the possibility of any kind of sin in the just man. It is, therefore, to St Augustine, the protagonist against Pelagianism, that we must look for the first thorough examination of the problem. Father Durkin's sole purpose, in his doctoral dissertation, is to discover what precisely was the great Doctor's solution, and though he inevitably and usefully examines much material that has a wider interest and application, he keeps steadily to the point. After a preliminary survey of the earlier tradition which tended rather to classify sins according to their canonical effect under the prevailing penitential discipline, he introduces us to St Augustine's own criterion which bases the distinction primarily on the revealed judgement of God. He then proceeds to piece together from the saint's reflections, made at different stages of his developing thought and in different contexts, his notion of the nature and consequences of mortal sin (*peccatum damnable, mortiferum, lethale*, or simply *crimen*), and of that lesser, inevitable form of sin, from which even the just are manifestly not immune (our Lady excepted), and which he styled "venial".

In view of the misleading implication of this term, which St Augustine himself occasionally applied, in its etymological sense, to certain lesser mortal sins of *venialis iniquitas*, which he apparently thought might be remitted after death through the intercession of saintly friends, it is perhaps unfortunate that later theologians adopted it in preference to one or other of his equally common expressions, such as *peccatum leve*, or *quotidianum*. We can be grateful to him, however, for popularizing the analogy which we use today to show that mortal sin differs from venial sin in kind, and not merely in degree; namely, that whereas the venial sinner merely loiters or stumbles, through imperfect charity, on the road to God, the mortal sinner, yielding deliberately to a love of creatures (*cupiditas*) which is incompatible with love of God, turns his back on God and travels in the opposite direction. On the other hand, St Augustine cannot be quoted in support of the now-accepted doctrine that no amount of venial sins can ever add up to a mortal sin. His conception of charity and his pastoral preoccupations led him to assert that a succession of unrepented venial sins could, by its mere accumulated weight, eventually submerge the soul, just as a sufficient number of grains of sand could sink a ship. He was wrong, if he meant that

infused charity can ever be ousted by a venial sin, even the last of a long series; but the practical difference between his doctrine and that now accepted is not great. It is not the sand, but the inrush of the water that sinks the ship. Nevertheless, as all will agree, the cumulative effect of many grains of sand may well suffice to lower the deck to sea level. So too may unrepented venial sins prepare the way for the inrush of mortal sin.

Since Father Durkin has wisely chosen not merely to string together relevant passages from St Augustine's writings, but rather to explain their context and deduce their meaning, it would be difficult to check the accuracy of all his deductions, well documented though they be, without a labour of research almost equal to his own. We cannot claim any such qualification, but we are impressed by the thoroughness of the analysis on which he bases his interpretation. He has produced a well-ordered, scholarly and yet easily readable essay in positive theology, which has a wider interest than its title might suggest, and which does credit both to his industry and to his *Alma Mater*.

La Pratique Religieuse dans le Diocèse de Marseille. Résultats et Conclusions Pastorales d'une Enquête. By Lucien Gros. Pp. 110. (Les Editions Ouvrières, 12 avenue Soeur-Rosalie, Paris, 13^e.)

THE figures of Catholic profession and practice in this country, as presented annually by our national and diocesan directories, are read with hope or distrust according to the bent of the reader, but seldom with confidence. In the world at large, the collection and interpretation of statistical information has been developed into a relatively exact science, but, though Big Business has been quick to profit from its methods, the Church in general has not. All parish priests presumably know their gross Mass-attendance figures and many can divide them into children and adults, but few are likely to know in what proportion the various age-groups, professions, etc., are represented, and even if they do, their knowledge is seldom made available for wider use. The result is that we have no reliable picture of the general situation confronting our apostolate, such as would facilitate a more effective deployment of our forces.

The largely urban diocese of Marseilles has recently made a scientifically planned effort to remedy this deficiency. A corps of voluntary workers presented to every person attending Mass, on the third Sunday of Lent, 1953, a brief but carefully planned questionnaire, which was filled in and collected on the spot. The 90,000 forms thus obtained were then submitted to a local Institute of

Statistics for classification and interpretation. The results and the pastoral conclusions which they warrant are contained in the above brochure. No doubt the situation existing in Marseilles is very different from that found in our large cities, but the method employed in gauging it may be profitably studied by anyone interested in the planning of an efficient apostolate.

*The New Eucharistic Legislation. A Commentary on the Apostolic Constitution *Christus Dominus* and on the Instruction of the Holy Office on the Discipline to be Observed Concerning the Eucharistic Fast.* By John C. Ford, S.J. Foreword by Canon E. J. Mahoney, D.D. Pp. ix + 130. (Burns Oates. 8s. 6d.)

SELDOM have the clergy been called upon to apply, in prompt decisions, a piece of legislation which was open to so many reasonable doubts as is the new discipline of the Eucharistic fast. More than twenty have been raised by responsible commentators, and though one might question the intrinsic probability of some of the liberal opinions advanced, most of them have sufficient supporters to make them extrinsically probable and therefore, until the Holy See decides otherwise, practically tenable. It is, of course, possible that these differences of interpretation will gradually be smoothed out or diminished by discussion, but more likely that they will remain until the Holy See eliminates them, either by particular clarifications, or by a complete revision of the law.

The author of the above commentary, who is one of the best known and most authoritative of American moralists, echoes the respectful hope of a French commentator that the Church will eventually decide upon a uniform set of conditions applicable to any and every reception of Holy Communion; but though some such simplification may eventually be attained, it may well be long delayed. Meanwhile it is desirable that the clergy, in their practical application of the new law, should themselves achieve that uniformity of discipline which the Holy Father had especially in mind when he withdrew all variant indults and issued a single comprehensive law designed to meet most needs.

Father Ford has decided that he can best contribute to this desirable uniformity by adopting a cautious line in his solution of the disputed points. Besides, as he remarks, it is the more prudent line for the clergy to follow, because, if the more benign interpretations are officially rejected after they have been given currency among the faithful, they will be difficult to retract effectively. Hence, although on one or two points he takes a more liberal view than that of certain commentators who are likely to have inside knowledge, for

example, that a confessor can in some cases give his judgement by letter or intermediary, and that priests who fulfil the conditions of Norm III do not need the excuse of a subjectively grave inconvenience, nevertheless, in the main, he adopts the safer interpretation of the law.

His book, which is bound in limp cloth, contains the full Latin text of the Constitution and Instruction, with a parallel English translation, and follows it with a detailed and well-reasoned commentary arranged in ten chapters. It concludes with four very practical and useful appendices: a summary for quick reference by harassed confessors, sound advice to religious instructors and catechists, and suggested forms for public announcements from the pulpit concerning the fast. It can be recommended to both clergy and teachers as a safe and practical guide. Confessors who follow its lead in giving advice to penitents can be reasonably confident that they will not have to eat their words.

L'Eglise et la Rupture du Lien Conjugal. Par R. P. Tesson, S.J. Pp. 80. (Centre d'Etudes Laennec; Lethielleux, Paris. Fr. 200.)

WHEN the Church, out of respect for the divine law, declines to dissolve a marriage which she is not divinely authorized to set asunder, she is accused of inhuman rigidity; and when, respecting the primary natural right of man to marry, she releases from their obligations those whom she finds never to have been validly bound before God, she is accused of inconsistency and even venality. To rebut both of these charges Father Tesson, professor of moral theology at the *Institut Catholique* of Paris, has written a straightforward explanation of the reasonable principles by which the Church is guided in handling cases affecting the marriage bond, and of the manner in which they are applied. His brochure, designed for people of average education, consists of an introduction, in which the problem is stated, three chapters devoted to the three principal causes of nullity (diriment impediments, defects of juridical form, defects of consent), and a concluding chapter on the nullity process. The principles are clearly expounded and their application is illustrated by apt examples. In particular, the author demolishes the venality charge which, to the many who have served on matrimonial tribunals without even a re-imbursement of their expenses, must seem too fantastic to need rebuttal; but, as he reminds us, there have been, and probably still are, shysters who peddle forged nullity decrees to credulous clients for high fees, and whose only connexion with the Church lies in their forged letter-heads and seals.

Canon Law: a Text and Commentary. By T. Lincoln Bouscaren, S.J., and Adam C. Ellis, S.J. Pp. xv + 1009. (The Bruce Publishing Co. \$10.)

In 1946 Fathers Bouscaren and Ellis produced a one-volume commentary on the Code of Canon Law, which had no rival in English and supplied a steady and well-deserved demand. In 1951 they produced a revised and enlarged edition containing extra chapters on secular institutes and associations of the faithful, and a new section on sacramentals. This second edition has now been reprinted with some minor revisions required to bring it more or less up to date.

The authors are both canonists of experience and repute. Father Bouscaren, whose *Canon Law Digest* remains the most complete repertory of post-Code documents affecting the interpretation of the law, was formerly professor of Canon Law at Mundelein and is now the Procurator General of the Society of Jesus. Father Ellis is a consultant to the Congregation of Religious. Their commentary is essentially a practical work designed to enable seminarists to acquire a general practitioner's acquaintance with the law and to encourage the clergy to retain such an acquaintance. Following the order of the Code they give an outline of most of its text, stressing its essential principles, illustrating their application with practical examples, and stimulating the reader to work them out for himself by providing cases and questions and indicating where the solution can be found. It is, therefore, not merely a reference work for consultation, but also a text-book for study, a Canon-Law-made-easy, teach-yourself type of book which guides the uninitiated through the maze of canonical principles and precepts in such manner as to cultivate his independent sense of direction.

If it be asked how all this can be done in a single volume, the answer is that it has been achieved by judicious omissions and compressions. For the law of the sacraments, other than Order and Matrimony, the clerical reader is referred to his moral theology text-book, and the whole of Book IV, *De Processibus*, is omitted, because it requires a professional training which few priests will need and no seminarists receive. On other points, if considerations of space prevent detailed treatment, adequate references are given. The authors are thus enabled to enlarge on matters of practical interest to the clergy, such as the problem of Common Error, the rights and duties of the parochial clergy, nuns' confessions, indulgences, the nature of the impediment of impotence, the effect on the marriage contract of a belief in its dissolubility or of conditional consent, the nuptial blessing, the dissolution of the marriage bond, pious gifts and bequests, and the administration of church property. All these

matters are clearly explained and illustrated with examples that are normally as practical to English as to American readers.

The classification of associations of the faithful, on page 351, might give the false impression that societies other than those erected or formally approved by the Church are subject to the canons of that section of the Code; and we question the statement, on page 353, that "in associations which are not canonically erected, the property, if any, is not ecclesiastical property". True, the goods of an association which has merely received the formal approval required to make it ecclesiastical, cannot be canonically owned by the association in person, because such approval does not confer canonical personality; but it gives the association *esse ecclesiasticum* by a species of adoption which brings it under the wing of an existing canonical person (diocese, order, parish, etc.), and since this person will normally be the real owner of its goods, they will be ecclesiastical property.

Apart from one or two minor criticisms of this kind, the book as a whole can be warmly recommended. The price may seem stiff in terms of our depreciated currency, but the book contains enough pages and material for three normal volumes, is well printed on good paper, and is strongly and handsomely bound.

L. L. McR.

The Complete Works of Saint John of the Cross. Translated from the Critical Edition of P. Silverio de Santa Teresa, C.D., and edited by Professor Allison Peers. New edition. Three vols. (Burns Oates. 30s. the volume or 4 gns. the set.)

A Handbook to the Life and Times of St Teresa and St John of the Cross.
By E. Allison Peers. Pp. vii + 277. (Burns Oates. 21s.)

THE late Professor Peers' masterly translation of the works of St John of the Cross was first published in 1935. Two further impressions were called for in 1943 and 1947, and last year this new edition was published. It was fortunately through the press before the translator's lamented death, which was so grave a loss to Spanish scholarship and particularly to our knowledge of the Spanish mystics. The text has been completely reset, and the translation thoroughly revised and in certain of the more difficult passages recast to ensure a more accurate rendering of the original. The introduction and notes have been amplified in order to incorporate the results of the intensive research into the life and work of St John since the first edition of the translation was published. In the Scriptural quotations the Douai version has been substituted for the Authorized. The

devotion and skill of the translator and his remarkable grasp of his subject make this quite certainly the definitive translation of St John of the Cross.

The *Handbook*, which was in the press when Professor Peers died, is supplementary to his translations of St John of the Cross and St Teresa, or rather to the introductions and notes to his translations which he would have lengthened unduly had he there included all the matter here presented. It contains in Part I a summary account (perhaps somewhat too closely packed) of the Discalced Carmelite Reform, and in Part II short biographies of the principal persons mentioned in, or closely connected with, the writings of the two Saints, and in Part III a list of convents and priories of the Reform, a list of places of importance which figure in the Reform, and biographical and historical outlines. The book is an indispensable companion to Professor Peers' other works.

J. C.

La Nouvelle Que Vous Attendez. By Yvan Daniel. Pp. 327. (Les Editions Ouvrières. 450 fr.)

FATHER DANIEL, who was co-author with Father Godin of the famous *France, Pays de Mission?*, here presents the four Gospels in a most attractive guise in order that the voice of God may be heard by as many as possible. While the essential dignity that is necessary is preserved, everything has been done to facilitate the transmission of the word. Typography, coloured inks, sub-headings in the text, abundant notes and a translation in everyday language all contribute to what might be called a streamlined French "Knox".

J. F.

CORRESPONDENCE

CONFSSION AT THE RECEPTION OF A CONVERT

(THE CLERGY REVIEW, 1954, XXIX, p. 255)

The Rev. J. P. Wroe writes:

Does the conditional rechristening of converts mean that the obligation to confess is doubtful and hence that it does not exist? The slightest reasonable doubt as to whether a convert is already a Christian entails that he is to be conditionally christened. But a merely slight doubt as to whether his first christening was valid leaves moral certainty that he must confess his sins. If the validity of a first

baptism normally has in its favour a solid positive probability which is either unopposed, or merely negatively or merely slightly opposed, or which is far greater than the opposite probability, the obligation of confession is morally certain. Yet, in view of the paramount importance of baptism, this moral certainty does not enable us to dispense with conditional rebaptism.

Let us suppose that no enquiry about a previous baptism is made, because enquiry is practically impossible or foredoomed to failure as far as absolute certainty is concerned. If the baptism took place in a sect which uses a valid ritual, the doubt about the previous baptism is largely negative, the absence of conclusive proof positive. What positive reasons there are for calling it in question are based on general considerations, such as possible carelessness among non-Catholic ministers, and not on particular reasons arising out of the special circumstances of the individual case. As regards the obligations arising out of baptism, a mere common risk of invalidity is not enough to quash them. There are, to be sure, cases in which the validity of a previous baptism is open to serious doubt. If, however, the decision as to the necessity of confession were left to the individual priest, confession would often be dispensed with where it was really necessary, and the Church is doubtless empowered to make such supplementary legislation as is indispensable for the purpose of safeguarding the fulfilment of the divine law.

It might be suggested that, since the Holy See cannot create compulsory matter for confession, the full confession of doubtfully post-baptismal sins must be a matter of divine law. Against this it might be urged that the Church may reasonably make probably necessary full confession a condition of the convert's reception.

The suggestion that the full confession is compulsory by divine law is hotly disputed. But Holy Mother Church may possibly be quite certain that those who have ostensibly been admitted to Church membership by a ceremony purporting to be the external rite of Christian initiation are bound to submit to the Church's sacramental jurisdiction until the nullity of their reception is established. As far as the obligations arising out of baptism are concerned, it may be the mind of the Church that, in doubt about the validity of a baptism which has certainly been administered, the validity of the baptism is to be upheld.

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